

### **35.340 Vacation of suspension.**

- (1) Before the vacation of the suspension of a special court-martial sentence, which as approved includes a bad-conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. The probationer shall be represented at the hearing by military counsel if the probationer so desires.
- (2) The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the officer exercising general court-martial jurisdiction over the probationer. If the officer vacates the suspension, any unexecuted part of the sentence, except a dismissal, shall be executed, subject to applicable restrictions in this code.
- (3) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 32, sec. 74, effective June 25, 2013. -- Amended 1970 Ky. Acts ch. 56, sec. 47. -- Created 1954 Ky. Acts ch. 99, sec. 67, effective July 1, 1954.