

35.473 Desertion.

- (1) Any member of the state military forces is guilty of desertion who:
 - (a) Without proper authority goes or remains absent from the member's unit, organization, or place of duty with intent to remain away from there permanently;
 - (b) Quits the member's unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or
 - (c) Without being regularly separated from one (1) of the state military forces enlists or accepts an appointment in the same or another one (1) of the state military forces, or in one (1) of the Armed Forces of the United States, without fully disclosing the fact the member has not been regularly separated, or enters any foreign armed service except when authorized by the United States.
- (2) Any commissioned officer of the state military forces who, after tender of the officer's resignation and before notice of its acceptance, quits his or her post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.
- (3) Any person found guilty of desertion or attempt to desert shall be punished, if the offense is committed in time of war, by confinement of not more than ten (10) years or such other punishment as a court-martial may direct, but if the desertion or attempt to desert occurs at any other time, by such punishment as a court-martial may direct.

Effective: June 25, 2013

History: Repealed, reenacted, renumbered, and amended 2013 Ky. Acts ch. 32, sec. 89, effective June 25, 2013. -- Amended 1970 Ky. Acts ch. 56, sec. 60. -- Created 1954 Ky. Acts ch. 99, sec. 91, effective July 1, 1954.

Formerly codified as KRS 35.460.