

35.185 Unlawfully influencing action of court.

- (1) No authority convening a general or special court-martial, nor any other commanding officer, or officer serving on the staff thereof, may censure, reprimand, or admonish the court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or their functions in the conduct of the proceeding. No person subject to this code may attempt to coerce or, by unauthorized means, influence the action of a court-martial or court of inquiry or any member thereof in reaching the findings or sentence in any case, or the action of any convening, approving or reviewing authority with respect to their judicial acts. The foregoing provisions shall not apply to:
 - (a) General instructional or informational courses in military justice, if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial; or
 - (b) Statements and instructions given in open court by the military judge or counsel.
- (2) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the state military forces is qualified to be advanced in grade or in determining the assignment or transfer of a member of the state military forces or in determining whether a member of the state military forces should be retained on active status, no person subject to this code may in preparing any such report:
 - (a) Consider or evaluate the performance of duty of any such member as a member of a court-martial or witness therein; or
 - (b) Give a less favorable rating or evaluation of any counsel of the accused because of zealous representation before a court-martial.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 32, sec. 38, effective June 25, 2013. -- Amended 1970 Ky. Acts ch. 56, sec. 23. -- Created 1954 Ky. Acts ch. 99, sec. 36, effective July 1, 1954.