

MICHIGAN CODE OF MILITARY JUSTICE OF 1980 (EXCERPT)
Act 523 of 1980

32.1093a Prohibited sexual activity; military recruit or protected juvenile member; punishment; definitions.

Sec. 93a.

(1) An individual subject to this code must be punished as a court-martial directs if all of the following apply:

(a) The individual is an officer or a noncommissioned officer.

(b) The individual is in a training leadership position with respect to a specially protected junior member of the military.

(c) The individual engages in prohibited sexual activity with a specially protected junior member of the military.

(2) An individual subject to this code must be punished as a court-martial directs if that individual is a military recruiter and engages in a prohibited sexual activity with either of the following:

(a) An applicant that individual is recruiting to enlist in military service.

(b) A specially protected junior member of the military who is enlisted under a delayed entry program.

(3) Consent is not a defense for any conduct at issue in a prosecution under this section.

(4) As used in this section:

(a) "Military recruiter" means an individual who has the primary duty to recruit individuals for military service.

(b) "Prohibited sexual activity" means the penetration, however slight, of the penis into the vulva or anus or mouth, contact between the mouth and the penis, vulva, scrotum, or anus, or the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any individual or to arouse or gratify the sexual desire of any individual. Prohibited sexual activity also means touching by any part of the body or an object, or causing another individual to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks of any individual, with an intent to abuse, humiliate, harass, or degrade any individual or to arouse or gratify the sexual desire of any individual.

(c) "Specially protected junior member of the military" means any of the following:

(i) A member of the military who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program.

(ii) A member of the military who is a cadet, an officer candidate, or a student in any other officer qualification program.

(iii) A member of the military in any program that is identified as a training program for initial career qualification.

(d) "Training leadership position" means, with respect to a specially protected junior member of the military, a drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers' training corps unit, a training program for entry into the military, or a training program for initial career qualification.

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