

MICHIGAN CODE OF MILITARY JUSTICE OF 1980 (EXCERPT)

Act 523 of 1980

Article 3

32.1015 Disciplinary punishment for minor offense; imposition of punishment upon enlisted member by officer in charge; suspension, remission, or mitigation of punishment; appeal; disciplinary punishment not bar to trial by court-martial; records of proceedings; right to demand trial by court-martial; applicability of forfeiture to pay and allowances.

Sec. 15.

(1) Under regulations promulgated under this code, a commanding officer, in addition to or instead of an admonition or reprimand, may impose disciplinary punishment for a minor offense on an officer under that commanding officer's command without the intervention of a court-martial with 1 of the following:

(a) Restrictions to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days.

(b) If imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command:

(i) Arrest in quarters for not more than 15 consecutive days.

(ii) Forfeiture of not more than 1/2 of 1 month's pay per month for 2 months.

(iii) Restrictions to certain specified limits with or without suspension from duty, for not more than 15 consecutive days.

(2) Under regulations promulgated under this code, a commanding officer, in addition to or instead of an admonition or reprimand, may impose disciplinary punishment for a minor offense on other military personnel under that commanding officer's command without the intervention of a court-martial with 1 or more of the following:

(a) Forfeiture of not more than 7 duty days' pay.

(b) Reduction to the next inferior pay grade, if the individual is in the pay grade of E4 or below.

(c) Extra duties, including fatigue or other duties for not more than 15 consecutive days and not more than 2 hours per day. No extra duties may be imposed that constitute known safety or health hazards to the individual, that constitute cruel or unusual punishment, or that are not sanctioned by the customs of the military. Extra duties assigned as punishment of noncommissioned officers or any other enlisted individuals must not be of a kind that demeans the recipient's grade or position.

(d) Restrictions to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days.

(e) If imposed by an officer of the rank of major or above on other military personnel under that officer's command, the punishment may include 1 or more of the following:

(i) Forfeiture of not more than 15 duty days' pay.

(ii) Reduction to the lowest or an intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction, except that an enlisted member in a pay grade above E4 may not be reduced more than 2 pay grades.

(iii) Extra duties, including fatigue or other duties, for not more than 15 consecutive days. No extra duties may be imposed that constitute known safety or health hazards to the individual, that constitute cruel or unusual punishment, or that are not sanctioned by customs of the military. Extra duties assigned as punishment of noncommissioned officers or any other enlisted individuals must not be of a kind that demeans the recipient's grade or position.

(iv) Restrictions to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days.

(3) Two or more disciplinary punishments of arrest in quarters, extra duties, and restriction must not be combined to run consecutively in the maximum amount imposed for each. If any of those punishments are combined to run consecutively, the commanding officer shall apportion the punishment.

(4) An officer in charge may impose upon an enlisted member assigned to the unit of which the officer is in charge a punishment authorized under subsection (2) as the adjutant general concerned may specifically prescribe by rule.

(5) The officer who imposes the punishment, or the successor in command, may, at any time, suspend, set aside, mitigate, or remit any part or amount of the punishment and restore all rights, privileges, and property affected. The officer may also mitigate reduction in grade to forfeiture of pay, mitigate arrest in quarters to restriction, or mitigate extra duties to restriction. The mitigated punishment may not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture may not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment.

mitigated.

(6) An individual punished under this section who considers the punishment received as unjust or disproportionate to the offense, through the proper channel, may appeal to the next superior authority. The appeal must be made not later than 45 days after the punishment is adjudged. The appeal must be promptly forwarded and decided, and the individual punished must not be required to undergo the punishment adjudged before a decision on the appeal is rendered. The superior authority may exercise the same powers to mitigate the punishment imposed as may be exercised under subsection (5) by the officer who imposed the punishment. The authority who is to act on the appeal shall refer the case to a judge advocate for consideration and advice before acting on the appeal.

(7) The imposition and enforcement of disciplinary punishment under this section for an act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission and not properly punishable under this section. The fact that disciplinary punishment has been enforced may be shown by the accused at trial, and if shown must be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(8) The adjutant general, by regulation, may prescribe the form of records to be kept of proceedings under this section and may also prescribe that certain categories of those proceedings must be in writing.

(9) Before disciplinary action is taken by the commanding officer or officer in charge under this section, the commanding officer or officer in charge shall determine whether arrest in quarters or restriction are to be considered as punishments. If the officer determines that the punishment options may include arrest in quarters or restriction, the accused must be notified of the right to demand trial by court-martial. If the officer determines that the punishment options will not include arrest in quarters or restriction, the accused must be notified that there is no right to trial by court-martial in lieu of nonjudicial punishment.

(10) If a punishment of forfeiture of pay and allowance is imposed as provided in this section, the forfeiture may apply to pay or allowances becoming due on or after the date of the punishment but must not apply to pay and allowances accrued before the date.

History: 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005 ;-- Am. 2024, Act 77, Imd. Eff. July 8, 2024

Admin Rule: R 32.101 et seq. and R 32.171 et seq. of the Michigan Administrative Code.