

**MICHIGAN CODE OF MILITARY JUSTICE OF 1980 (EXCERPT)**  
**Act 523 of 1980**  
Article 10

**32.1077 Person subject to code as principal.**

Sec. 77.

A person subject to this code is a principal if the person commits 1 of the following acts:

- (a) An offense punishable by this code or aids, abets, counsels, commands, or procures the commission of the offense.
- (b) Causes an act to be done which if directly performed by the person would be punishable by the code.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1078 Receiving, comforting, or assisting offender; punishment.**

Sec. 78.

A person subject to this code who, knowing that an offense punishable by this code has been committed, receives, comforts, or assists the offender in order to hinder or prevent the offender's apprehension, trial, or punishment shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1079 Finding accused guilty of offense necessarily included in offense charged or of attempt to commit offense charged or offense necessarily included in offense charged.**

Sec. 79.

An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included in the offense charged.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1080 Attempt to commit offense; punishment; conviction of attempt where offense completed.**

Sec. 80.

(1) An act, done with the specific intent to commit an offense under this code, amounting to more than mere preparation, even though failing to effect its commission, is an attempt to commit that offense.

(2) A person subject to this code who attempts to commit an offense punishable by this code shall be punished as a court-martial directs, unless otherwise specifically prescribed.

(3) A person subject to this code may be convicted of an attempt to commit an offense even if it appears on the trial from evidence presented at the trial or from a guilty plea that the offense was complete.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

### **32.1081 Conspiracy; punishment.**

Sec. 81.

A person subject to this code who conspires with any other person to commit an offense under this code, if 1 or more of the conspirators does an act to effect the object of the conspiracy, shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1082 Soliciting or advising another to desert, mutiny, or commit act of misbehavior before enemy or sedition; punishment.**

Sec. 82.

(1) A person subject to this code who solicits or advises another to desert in violation of section 85 or mutiny in violation of section 94, if the offense solicited or advised is attempted or committed, shall be punished as provided for in the commission of the offense. If the offense solicited or advised is not committed or attempted, the person shall be punished as a court-martial directs.

(2) A person subject to this code who solicits or advises another to commit an act of misbehavior before the enemy in violation of section 99 or sedition in violation of section 94, if the offense solicited or advised is committed, shall be punished as provided for in the commission of the offense. If the offense solicited or advised is not committed, the person shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1083 Procuring enlistment or appointment by means of knowingly false representations or deliberate concealment as to qualifications; receiving pay or allowances; procuring separation by means of knowingly false representations or deliberate concealment as to eligibility.**

Sec. 83.

A person shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Procures his or her own enlistment or appointment in the state military forces by means of knowingly false representations or deliberate concealment as to his or her qualifications for that enlistment or appointment and receives pay or allowances under the enlistment.

(b) Procures his or her own separation from the state military forces by means of knowingly false representations or deliberate concealment as to his or her eligibility for the separation.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1084 Effecting enlistment, appointment, or separation of person known to be ineligible; punishment.**

Sec. 84.

A person subject to this code who effects an enlistment or appointment in or a separation from the state military

forces of a person who is known to that person to be ineligible for the enlistment, appointment, or separation because it is prohibited by law, rule, regulation, or order shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1085 Desertion; member of state military forces not prohibited from accepting employment in another state or leaving state in pursuance of vocation, education, or profession; informing commanding officer of absence; waiver; punishment.**

Sec. 85.

(1) A member of the state military forces is guilty of desertion if the member commits 1 of the following acts:

(a) Without proper authority goes or remains absent from his or her unit, organization, or place of duty with intent to remain away permanently.

(b) Quits his or her unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service.

(c) Without being regularly separated from 1 of the forces of the state military forces, enlists or accepts an appointment in the same or another state military force without fully disclosing the fact that he or she has not been regularly separated.

(2) Notwithstanding subsection (1), a member of the state military forces shall not be, in time of peace or order, prohibited from accepting bona fide employment in another state or leaving the boundaries of this state in pursuance of a vocation, education, or profession if before so doing the member fully informs the member's commanding officer of the absence from the state and the reasons for the absence. However, the commanding officer may waive this requirement.

(3) An officer of the state military forces who, having tendered his or her resignation and before due notice of the acceptance of the resignation, quits his or her post or proper duties without leave and with intent to remain away permanently is guilty of desertion.

(4) A person found guilty of desertion shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1086 Failure to go to, or going or remaining absent from, place of duty; punishment.**

Sec. 86.

A person subject to this code who, without proper authority, fails to go to his or her appointed place of duty at the time prescribed, goes from that place, absents himself or herself or remains absent from the person's unit, organization, or other place of duty at which the person is required to be at the time prescribed shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1087 Missing movement of ship, train, bus, motor convoy, vehicle, airplane, or unit; punishment.**

Sec. 87.

A person subject to this code who through neglect or design misses the movement of a ship, train, bus, motor convoy, vehicle, airplane, or unit with which the person is required in the course of duty to move shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1088 Use of contemptuous words; prohibition; violation.**

Sec. 88.

(1) A person subject to this act shall not use contemptuous words against the president, vice president, congress, secretary of defense, a secretary of a military department, the director of the Michigan department of military and veterans affairs, or the governor or the legislature of this state while he or she is on duty, or against the governor or the legislature of any other state, territory, commonwealth, or possession while he or she is on duty and present in that state, territory, commonwealth, or possession.

(2) A person who violates this section is guilty of an offense punishable as a court-martial may direct, subject to all recognized common law or constitutional immunities within this state.

**History:** Add. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1089 Disrespect toward superior commissioned officer; punishment.**

Sec. 89.

A person subject to this code who behaves with disrespect toward a superior commissioned officer shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1090 Striking, drawing or lifting up weapon, or offering violence against superior commissioned officer; wilful disobedience of lawful command; punishment.**

Sec. 90.

A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Strikes a superior commissioned officer, draws or lifts up a weapon, or offers violence against the officer while the officer is in the execution of the officer's duty.

(b) Wilfully disobeys a lawful command of a superior commissioned officer.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1091 Prohibited acts by warrant officer or enlisted person; punishment.**

Sec. 91.

A warrant officer or enlisted person who commits 1 of the following acts shall be punished as a court-martial directs:

(a) Strikes or assaults a warrant officer or noncommissioned officer when the officer is in the execution of the officer's duty.

- (b) Wilfully disobeys the lawful order of a warrant officer or noncommissioned officer.
- (c) Treats with contempt or disrespect, in language or deportment, a warrant officer or noncommissioned officer, while the officer is in the execution of the officer's duty.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1092 Violating or failing to obey lawful order, rule, or regulation; dereliction in performance of duties; punishment.**

Sec. 92.

A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

- (a) Violates or fails to obey a lawful general order, rule, or regulation.
- (b) Having knowledge of a lawful order issued by a member of the armed forces which it is the person's duty to obey, fails to obey that order.
- (c) Is derelict in the performance of duties.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1093 Cruelty toward or oppression or maltreatment of person subject to person's orders; punishment.**

Sec. 93.

A person subject to this code who is guilty of cruelty toward or oppression or maltreatment of a person subject to the person's orders shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**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.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1094 Mutiny, sedition, or failure to suppress or report mutiny or sedition; punishment.**

Sec. 94.

(1) A person subject to this code:

(a) Who, with the intent to usurp or override a lawful military authority, refuses, in concert with another person, to obey an order or otherwise do his or her duty or creates any violence or disturbance is guilty of mutiny.

(b) Who, with the intent to cause the overthrow or destruction of a lawful civil authority, creates, in concert with another person, revolt, violence, or other disturbance against that authority is guilty of sedition.

(c) Who fails to do the utmost to prevent and suppress an offense of mutiny or sedition being committed in the person's presence or fails to take all reasonable means to inform a superior officer or commanding officer of an offense of mutiny or sedition which the person knows of or has reason to believe is taking place is guilty of a failure to suppress or report a mutiny or sedition.

(2) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

### **32.1095 Resisting apprehension, breaking arrest, or escaping from custody or confinement; punishment.**

Sec. 95.

A person subject to this code who resists apprehension, breaks arrest, or escapes from custody or confinement shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1096 Releasing prisoner or permitting prisoner to escape; punishment.**

Sec. 96.

A person subject to this code who, without proper authority, releases a prisoner committed to the person's charge, or who through neglect or design permits the prisoner to escape, shall be punished as a court-martial directs, whether or not the prisoner was committed in strict compliance with law.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1097 Wrongful apprehension, arrest, or confinement of person; punishment.**

Sec. 97.

Except as provided by law, a person subject to this code, who wrongfully apprehends, arrests, or confines a person shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1098 Unnecessary delay in disposition of accused person's case; failure to enforce or comply with code provision regulating proceedings before, during, or after trial; punishment.**

Sec. 98.

A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

- (a) Is responsible for unnecessary delay in the disposition of a case of a person accused of an offense under this code.
- (b) Knowingly and intentionally fails to enforce or comply with a provision of this code regulating the proceedings before, during, or after trial of an accused.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1099 Prohibited acts committed before or in presence of enemy, in peacetime emergency, or civil disturbance; punishment.**

Sec. 99.

A person subject to this code who before or in the presence of the enemy or during the performance of duty in a peacetime emergency or civil disturbance operation commits 1 of the following acts shall be punished as a court-martial directs:

- (a) Runs away.
- (b) Abandons, surrenders, or delivers up a command, unit, place, or military property which it is the person's duty to defend.
- (c) Through disobedience, neglect, or intentional misconduct endangers the safety of a command, unit, place, or military property.
- (d) Casts away arms or ammunition.
- (e) Is guilty of cowardly conduct.
- (f) Quits a place of duty to plunder or pillage.
- (g) Causes false alarms in a command, unit, or place under the control of the armed forces of the United States, the state military forces, or the military forces of any other state or territory.
- (h) Willfully fails to do the person's utmost to encounter, engage, capture, or destroy enemy troops, combatants, vessels, aircraft, or any other thing which it is the person's duty to encounter, engage, capture, or destroy.
- (i) Does not afford all practicable relief and assistance to troops, combatants, vessels, or aircraft of the armed

forces belonging to the United States, to their allies, or to any other state or to the state military forces if engaged in battle.

(j) Willfully fails to do his or her utmost to suppress civil disturbance while engaged in an emergency response operation.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1100 Compelling or attempting to compel commander to abandon or give up to enemy place, vessel, aircraft, or property; striking colors or flag to enemy without authority; punishment.**

Sec. 100.

A person subject to this code who compels or attempts to compel the commander of a place, vessel, aircraft, or of other military property or of a body of members of the armed forces of the United States or of any other state or territory or of the state military forces to give the place, vessel, aircraft, or property up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority, shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1101 Disclosure of countersign or giving different countersign during declared state of emergency; punishment.**

Sec. 101.

A person subject to this code who in time of declared state emergency discloses the countersign to a person not entitled to receive the countersign, or who gives to another who is entitled to receive and use the countersign a different countersign from that which, to his or her knowledge, the person was authorized and required to give, shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1102 Forcing a safeguard; punishment.**

Sec. 102.

A person subject to this code who forces a safeguard shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1103 Securing public property taken in performance of duty; giving notice and turning over to proper authority captured or abandoned property; prohibited acts; punishment.**

Sec. 103.

(1) A person subject to this code shall secure all public property taken in the performance of his or her duty and

shall give notice and turn over to the proper authority without delay all captured or abandoned property in the person's possession, custody, or control.

(2) A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Fails to carry out the duties prescribed in subsection (1).

(b) Buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, from which the person receives or expects a profit, benefit, or advantage to the person or another directly or indirectly connected with the person.

(c) Engages in looting or pillaging.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

### **32.1104 Aiding or attempting to aid enemy; harboring, protecting, or giving intelligence to, or communicating, corresponding, or holding intercourse with, enemy; punishment.**

Sec. 104.

A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Aids or attempts to aid the enemy with arms, ammunition, supplies, money or any other thing.

(b) Without proper authority, knowingly harbors, protects, or gives intelligence to, or communicates or corresponds with, or holds any intercourse with, the enemy, either directly or indirectly.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1105 Prohibited acts committed while in hands of captor during declared state of emergency or civil disturbance; punishment.**

Sec. 105.

(1) A person subject to this code who, while in the hands of a captor in time of declared state emergency, or civil disturbance emergency shall not do any of the following:

(a) To secure favorable treatment by the person's captors, act without proper authority in a manner contrary to law, custom, rule, or regulation to the detriment of others.

(b) While in a position of authority over those persons, maltreat them without justifiable cause.

(2) A person who violates this section shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

### **32.1106 Impersonation of an officer; punishment.**

Sec. 106.

An individual subject to this code who wrongfully and willfully impersonates an officer, a noncommissioned officer, a petty officer, an agent of superior authority of any component of the military, or an official of a government must be punished as a court-martial directs.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

**32.1106a Unauthorized wearing of insignia, decoration, badge, ribbon, device or lapel button; punishment.**

Sec. 106a.

An individual subject to this code who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button and who wrongfully wears that insignia, decoration, badge, ribbon, device, or lapel button on the individual's uniform or civilian clothing must be punished as a court-martial directs.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

**32.1107 Signing or making false document or false official statement; punishment.**

Sec. 107.

A person subject to this code who, with the intent to deceive, signs a false record, return, rule, order, or other official document, knowing the document to be false, or makes any other false official statement knowing the statement to be false shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1108 Loss, damage, destruction, or unauthorized sale or disposal of military property; punishment.**

Sec. 108.

- (1) A person subject to this code shall not, without proper authority, do any of the following:
  - (a) Sell or otherwise dispose of military property of the United States or this state.
  - (b) Willfully or negligently damage, destroy, or lose military property of the United States or this state.
  - (c) Willfully or negligently allow damage, destruction, or loss of military property of the United States or this state.
- (2) A person who violates this section shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1109 Wasting, spoiling, or destroying property; punishment.**

Sec. 109.

- (1) A person subject to this code, while on duty or in the course of duty, shall not willfully or recklessly waste, spoil, or destroy any property that is not property of the United States or of this state.
- (2) A person who violates this section shall be punished as a court-martial directs.

**History:** Add. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1111 Operation of military vehicle or aircraft while under influence of intoxicating liquor in reckless or wanton manner or without authority; punishment.**

Sec. 111.

A person subject to this code who operates a military vehicle or aircraft while under the influence of intoxicating liquor or in a reckless or wanton manner or without authority shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1112 Person found under influence of intoxicating liquor or controlled substance while in uniform or on state military property; punishment.**

Sec. 112.

(1) A person subject to this code who is not a sentinel or a lookout as described in section 113 shall not be either of the following:

- (a) Under the influence of intoxicating liquor or a controlled substance while in uniform and on military property.
  - (b) Under the influence of intoxicating liquor or a controlled substance while on duty.
- (2) A person who violates this section shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1112a Wrongful use, possession, manufacturing distribution, importation, exportation, or introduction of controlled substances; punishment.**

Sec. 112a.

(1) An individual subject to this code who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the Armed Forces of the United States or of any state military forces a substance described in subsection (2) must be punished as a court-martial directs.

(2) Subsection (1) applies to both of the following substances:

- (a) Any controlled substance.
- (b) Any substance not specified in subdivision (a) that is listed on a schedule of controlled substances prescribed by the President of the United States for the purposes of the uniform code of military justice, 10 USC 801 to 946a.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

**32.1113 Sentinel or guard found under influence of intoxicating liquor or controlled substance or sleeping upon post; leaving post before being relieved; punishment.**

Sec. 113.

A sentinel or guard subject to this code who is found under the influence of intoxicating liquor or a controlled substance or sleeping upon his or her post or who leaves a post before being relieved shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

**32.1114 Repealed. 2015, Act 210, Eff. Mar. 14, 2016.**

**Compiler's Notes:** The repealed section pertained to person who fights, promotes, or is concerned in or connives at fighting a duel or fails to report challenge to duel.

**32.1115 Feigning illness, physical disablement, mental lapse, or derangement, or intentionally inflicting self-injury to avoid work, duty, or service; punishment.**

Sec. 115.

A person subject to this code who for the purpose of avoiding work, duty, or service feigns illness, physical disablement, mental lapse, or derangement, or intentionally inflicts self-injury, shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1116 Causing or participating in riot or breach of peace; punishment.**

Sec. 116.

A person subject to this code who causes or participates in a riot or breach of the peace shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1117 Using provoking or reproachful words or gestures while in duty status; punishment.**

Sec. 117.

A person subject to this code who while in a duty status uses provoking or reproachful words or gestures toward another person subject to this code shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

**32.1120 Sexual assault; punishment; "sexual contact" defined.**

Sec. 120.

(1) An individual subject to this code is guilty of sexual assault and must be punished as a court-martial directs if the individual engages in sexual contact with another individual by any of the following means:

(a) By forcible compulsion.

(b) By engaging in sexual conduct with an individual who is incapable of consent because the individual is any of the following:

(i) Physically helpless.

(ii) Mentally defective.

(iii) Mentally incapacitated.

(c) By abuse of authority.

(2) As used in this section, "sexual contact" 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.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1121 Depriving owner of property or money; larceny; punishment.**

Sec. 121.

(1) An individual subject to this code who unlawfully takes, obtains, or withholds from the United States, this state, any other state, or any person, any property, money, or article of any kind with the intent to permanently deprive the owner of the property, money, or article of any kind, is guilty of larceny.

(2) An individual who violates this section must be punished as a court-martial directs.

**History:** Add. 2005, Act 186, Imd. Eff. Oct. 27, 2005 ;-- Am. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1121a Fraudulent use of credit card, debit card, or other access device; punishment; "access device" defined.**

Sec. 121a.

(1) An individual subject to this code who, knowingly and with intent to defraud, uses a stolen credit card, debit card, or other access device, a revoked, canceled, or otherwise invalid credit card, debit card, or other access device, or a credit card, debit card, or other access device without the authorization of a person whose authorization is required for that use to obtain money, property, services, or anything else of value must be punished as a court-martial directs.

(2) As used in this section, "access device" means any card, plate, code, account number, electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier, or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds, except for a transfer originated solely by paper instrument.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1121b Use of false pretenses to obtain services; punishment.**

Sec. 121b.

An individual subject to this code who, with intent to defraud, knowingly uses false pretenses to obtain services must be punished as a court-martial directs.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1122 Robbery; punishment.**

Sec. 122.

An individual subject to this code who takes anything of value from an individual or in the presence of another, against that individual's will, by means of force or violence or fear of immediate or future injury to the individual or property, or to the individual or property of a relative or member of the individual's family or of anyone in the individual's company at the time of the robbery, is guilty of robbery and must be punished as a court-martial directs.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1123 Unauthorized use of government computer; punishment; "computer" defined.**

Sec. 123.

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

(a) Knowingly accesses a government computer with an unauthorized purpose, and by doing so obtains classified information, with reason to believe that information could be used to the injury of the United States or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted that information to any person not entitled to receive it.

(b) Intentionally accesses a government computer with an unauthorized purpose and obtains classified or other protected information from that government computer.

(c) Knowingly causes the transmission of a program, information, code, or command and, as a result of that conduct, intentionally causes damage without authorization to a government computer.

(2) As used in this section, "computer" means that term as defined in 18 USC 1030.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1128 Assault; punishment.**

Sec. 128.

An individual subject to this code who unlawfully and with force or violence attempts to do bodily harm to another individual, offers to do bodily harm to another individual, or does bodily harm to another individual, is guilty of assault and must be punished as a court-martial directs.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1131 Giving false testimony in a proceeding as perjury; punishment.**

Sec. 131.

A person subject to this code who in a proceeding under this code wilfully and corruptly gives, upon a lawful oath or in a form allowed by law to be substituted for an oath, a false testimony material to the issue or matter of inquiry is guilty of perjury and shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1131a Subornation of perjury; punishment.**

Sec. 131a.

An individual subject to this code who induces and procures another individual to take an oath, and to falsely testify, depose, or state upon that oath, must be punished as a court-martial directs if all of the following conditions are satisfied:

- (a) The oath is administered with respect to a matter for which that oath is required or authorized by law.
- (b) The oath is administered by an individual having authority to do so.
- (c) Upon the oath, the other individual willfully makes or subscribes to a statement.
- (d) The statement is material.
- (e) The statement is false.
- (f) When the statement is made or subscribed to, the individual subject to this code and the other individual do not believe that the statement is true.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1131b Obstruction of justice; criminal or disciplinary proceedings; punishment.**

Sec. 131b.

An individual subject to this code who engages in conduct in the case of an individual against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice, must be punished as a court-martial directs.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1131c Obstruction of justice; adverse administrative proceeding; punishment.**

Sec. 131c.

An individual subject to this code who, having reason to believe that an adverse administrative proceeding is pending against another individual subject to this code, wrongfully acts with the intent to influence, impede, or obstruct the conduct of the proceeding, or otherwise to obstruct the due administration of justice, must be punished as a court-martial directs.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1132 Making false claims; prohibited acts; punishment.**

Sec. 132.

(1) A person subject to this code shall not commit any of the following acts:

(a) Knowing the claim to be false or fraudulent, make a claim against the United States, this state, or an officer of the United States or this state.

(b) Knowing the claim to be false or fraudulent, present to a person in the civil or military service of the United States or this state for approval or payment a claim against the United States, this state, or an officer of the United States or this state.

(c) For the purpose of obtaining the approval, allowance, or payment of a claim against the United States, this state, or any officer of the United States or this state, do any 1 of the following:

(i) Make or use a writing or other paper knowing the writing or paper contains a false or fraudulent statement.

(ii) Make an oath to a fact, writing, or other paper knowing the oath to be false.

(iii) Forge or counterfeit a signature upon a writing or other paper or use a signature knowing the signature to be forged or counterfeited.

(d) Having charge, possession, custody, or control of money or other property of the United States or this state, furnished or intended for the armed forces of the United States or this state, knowingly deliver to a person having authority to receive the money or property, an amount less than that for which the person receives a certificate or receipt.

(e) Being authorized to make or deliver a paper certifying the receipt of property of the United States or this state, furnished or intended for the armed forces of the United States or this state, make or deliver to a person the writing without having full knowledge of the truth of the statements contained in the paper and with intent to defraud the United States or this state.

(f) Make a false or fraudulent use of a credit card, telephone, telephone calling card, or other access device issued by the United States or this state.

(2) A person who violates this section shall be punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

### **32.1132a Retaliation; punishment; definitions.**

Sec. 132a.

(1) An individual subject to this code must be punished as a court-martial directs if, with the intent to retaliate

against another individual for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage another individual from reporting a criminal offense or making or planning to make a protected communication, the individual subject to this code does either of the following:

- (a) Wrongfully takes or threatens to take an adverse personnel action against another individual.
- (b) Wrongfully withholds or threatens to withhold a favorable personnel action with respect to another individual.
- (2) As used in this section:
  - (a) "Covered individual or organization" means a recipient of a communication specified in 10 USC 1034(b)(1)(B)(i) to (v).
  - (b) "Inspector general" means that term as defined in 10 USC 1034(j).
  - (c) "Protected communication" means either of the following:
    - (i) A lawful communication to a member of Congress or an inspector general.
    - (ii) A communication to a covered individual or organization in which a member of the military complains of or discloses information that the member reasonably believes constitutes evidence of either of the following:
      - (A) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.
      - (B) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1133 Conduct unbecoming an officer; conviction; punishment.**

Sec. 133.

A commissioned officer or warrant officer who is convicted of conduct unbecoming an officer shall be dismissed from the military service of this state or punished as a court-martial directs.

**History:** 1980, Act 523, Eff. Mar. 31, 1981

### **32.1134 Cognizance by court-martial of a disorder or neglect to prejudice of good order and discipline; punishment.**

Sec. 134.

- (1) A person subject to this code shall not through disorder or neglect to the prejudice of good order and discipline or through conduct bring discredit upon the armed forces of the United States or of this state.
- (2) A person who violates subsection (1) shall be punished by a general, special, or summary court-martial as determined by the nature and degree of the violation.

**History:** 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005

### **32.1134a Drunk and disorderly conduct; punishment.**

Sec. 134a.

An individual subject to this code who is drunk and disorderly and, under the circumstances, the conduct is to

the prejudice of good order and discipline in the Armed Forces of the United States or of the state military forces, or of a nature to bring discredit upon the Armed Forces of the United States or the state military forces, must be punished as a court-martial directs.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1134b Extramarital conduct; punishment; "extramarital conduct" defined.**

Sec. 134b.

(1) An individual subject to this code who wrongfully engages in extramarital conduct with another individual subject to this code and, at the time, is married to someone else or knows the other individual is married to someone else, must be punished as a court-martial directs.

(2) As used in this section, "extramarital conduct" means any of the following acts engaged in by individuals of the same or opposite sex:

- (a) Genital to genital sexual intercourse.
- (b) Oral to genital sexual intercourse.
- (c) Anal to genital sexual intercourse.
- (d) Oral to anal sexual intercourse.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1134c Furnishing alcoholic liquor to minor; punishment; "alcoholic liquor" and "minor" defined.**

Sec. 134c.

(1) An individual subject to this code who sells or furnishes alcoholic liquor to a minor must be punished as a court-martial directs.

(2) As used in this section:

- (a) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.
- (b) "Minor" means an individual less than 21 years of age.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024

### **32.1134d Sexual harassment; punishment.**

Sec. 134d.

An individual subject to this code must be punished as a court-martial directs if the individual does any of the following:

- (a) Repetitively engages in behavior that involves unwelcome sexual advances.
- (b) Requests sexual favors from or offers sexual favors to a subordinate.

- (c) Engages in other verbal or physical conduct of a sexual nature if any of the following apply:
  - (i) Submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of an individual's job, pay, or career.
  - (ii) Submission to or rejection of the conduct by an individual is used as a basis for career or employment decisions affecting that individual.
  - (iii) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

**History:** Add. 2024, Act 77, Imd. Eff. July 8, 2024