

(Aug. 10, 1956, ch. 1041, 70A Stat. 71.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 908 | 50:702. | May 5, 1950, ch. 169, § 1 (Art. 108), 64 Stat. 138. |

§ 909. Art. 109. Property other than military property of United States—Waste, spoilage, or destruction

Any person subject to this chapter who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 71.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 909 | 50:703. | May 5, 1950, ch. 169, § 1 (Art. 109), 64 Stat. 139. |

§ 910. Art. 110. Improper hazarding of vessel

(a) Any person subject to this chapter who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces shall suffer death or such other punishment as a court-martial may direct.

(b) Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel of the armed forces shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 71.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 910(a) | 50:704(a). | May 5, 1950, ch. 169, § 1 (Art. 110), 64 Stat. 139. |
| 910(b) | 50:704(b). | |

§ 911. Art. 111. Drunken or reckless operation of a vehicle, aircraft, or vessel

(a) Any person subject to this chapter who—

(1) operates or physically controls any vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in section 912a(b) of this title (article 112a(b)), or

(2) operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is equal to or exceeds the applicable limit under subsection (b),

shall be punished as a court-martial may direct.

(b)(1) For purposes of subsection (a), the applicable limit on the alcohol concentration in a person's blood or breath is as follows:

(A) In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, such limit is the lesser of—

(i) the blood alcohol content limit under the law of the State in which the conduct occurred, except as may be provided under paragraph (2) for conduct on a military installation that is in more than one State; or

(ii) the blood alcohol content limit specified in paragraph (3).

(B) In the case of the operation or control of a vehicle, aircraft, or vessel outside the United States, the applicable blood alcohol content limit is the blood alcohol content limit specified in paragraph (3) or such lower limit as the Secretary of Defense may by regulation prescribe.

(2) In the case of a military installation that is in more than one State, if those States have different blood alcohol content limits under their respective State laws, the Secretary may select one such blood alcohol content limit to apply uniformly on that installation.

(3) For purposes of paragraph (1), the blood alcohol content limit with respect to alcohol concentration in a person's blood is 0.10 grams of alcohol per 100 milliliters of blood and with respect to alcohol concentration in a person's breath is 0.10 grams of alcohol per 210 liters of breath, as shown by chemical analysis.

(4) In this subsection:

(A) The term “blood alcohol content limit” means the amount of alcohol concentration in a person's blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.

(B) The term “United States” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and the term “State” includes each of those jurisdictions.

(Aug. 10, 1956, ch. 1041, 70A Stat. 72; Pub. L. 99-570, title III, § 3055, Oct. 27, 1986, 100 Stat. 3207-76; Pub. L. 102-484, div. A, title X, § 1066(a)(1), Oct. 23, 1992, 106 Stat. 2506; Pub. L. 103-160, div. A, title V, § 576(a), Nov. 30, 1993, 107 Stat. 1677; Pub. L. 107-107, div. A, title V, § 581, Dec. 28, 2001, 115 Stat. 1123; Pub. L. 108-136, div. A, title V, § 552, Nov. 24, 2003, 117 Stat. 1481.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 911 | 50:705. | May 5, 1950, ch. 169, § 1 (Art. 111), 64 Stat. 139. |

AMENDMENTS

2003—Subsec. (a)(2). Pub. L. 108-136, § 552(1), substituted “is equal to or exceeds” for “is in excess of”.

Subsec. (b)(1)(A). Pub. L. 108-136, § 552(2)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, such limit is the blood alcohol content limit under the law of the State in which the conduct occurred, except as may be provided under paragraph (2) for conduct on a military installation that is in more than one State and subject to the maximum blood alcohol content limit specified in paragraph (3).”

Subsec. (b)(1)(B), (3). Pub. L. 108-136, § 552(2)(B), struck out “maximum” before “blood alcohol content specified” in par. (1)(B) and before “blood alcohol content” in par. (3).

Subsec. (b)(4)(A). Pub. L. 108-136, § 552(2)(C), substituted “amount of alcohol concentration in a person's blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.” for “maximum permissible alcohol concentration in a person's blood or breath for purposes of operation or control of a vehicle, aircraft, or vessel.”