

ever, peremptory challenges shall not be exercised at that time.

(b)(1) Each accused and the trial counsel are entitled initially to one peremptory challenge of members of the court. The military judge may not be challenged except for cause.

(2) If exercise of a peremptory challenge reduces the court below the minimum number of members required by section 816 of this title (article 16), the parties shall (notwithstanding section 829 of this title (article 29)) either exercise or waive any remaining peremptory challenge (not previously waived) against the remaining members of the court before additional members are detailed to the court.

(c) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 51; Pub. L. 90-632, §2(17), Oct. 24, 1968, 82 Stat. 1339; Pub. L. 101-510, div. A, title V, §541(b)-(d), Nov. 5, 1990, 104 Stat. 1565; Pub. L. 111-383, div. A, title X, §1075(b)(13), Jan. 7, 2011, 124 Stat. 4369.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
841(a)	50:616(a).	May 5, 1950, ch. 169, §1 (Art. 41), 64 Stat. 121.
841(b)	50:616(b).	

In subsection (a), the word “may” is substituted for the word “shall” before the words “not receive”.

In subsection (b), the word “the” is inserted before the word “trial”. The word “is” is substituted for the words “shall be”. The word “may” is substituted for the word “shall”.

AMENDMENTS

2011—Subsec. (c). Pub. L. 111-383 substituted “trial counsel” for “trial counsel”.

1990—Subsec. (a). Pub. L. 101-510, §541(b), designated existing provision as par. (1) and added par. (2).

Subsec. (b). Pub. L. 101-510, §541(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.”

Subsec. (c). Pub. L. 101-510, §541(d), added subsec. (c). 1968—Subsec. (a). Pub. L. 90-632, §2(17)(A), (B), inserted reference to the military judge and struck out references to the law officer of a general court-martial.

Subsec. (b). Pub. L. 90-632, §2(17)(C), substituted “military judge” for “law officer”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 applicable only to court-martial convened on or after Nov. 5, 1990, see section 541(e) of Pub. L. 101-510, set out as a note under section 839 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-632 effective first day of tenth month following October 1968, see section 4 of Pub. L. 90-632, set out as a note under section 801 of this title.

§ 842. Art. 42. Oaths

(a) Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial

counsel, defense counsel, assistant or associate defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary concerned. These regulations may provide that an oath to perform faithfully duties as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant or associate defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty, and if such an oath is taken it need not again be taken at the time the judge advocate or other person is detailed to that duty.

(b) Each witness before a court-martial shall be examined on oath.

(Aug. 10, 1956, ch. 1041, 70A Stat. 51; Pub. L. 90-632, §2(18), Oct. 24, 1968, 82 Stat. 1339; Pub. L. 98-209, §§2(e), 3(f), Dec. 6, 1983, 97 Stat. 1393, 1395.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
842(a)	50:617(a).	May 5, 1950, ch. 169, §1 (Art. 42), 64 Stat. 121.
842(b)	50:617(b).	

In subsection (a), the word “all” and the word “the” before the words “members”, “trial”, “defense”, and “reporter” are omitted as surplusage.

In subsections (a) and (b), the words “or affirmation” are omitted as covered by the definition of the word “oath” in section 1 of Title 1.

In subsection (b), the words “Each witness” are substituted for the words “All witnesses”.

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-209 struck out “, law specialist,” after “judge advocate” in two places, substituted “assistant or associate defense counsel” for “assistant defense counsel”.

1968—Subsec. (a). Pub. L. 90-632 struck out requirement that the oath given to court-martial personnel be taken in the presence of the accused and provided that the form of the oath, the time and place of its taking, the manner of recording thereof, and whether the oath shall be taken for all cases or for a particular case shall be as prescribed by regulations of the Secretary concerned and contemplated secretarial regulations allowing the administration of an oath to certified legal personnel on a one-time basis.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-209 effective first day of eighth calendar month beginning after Dec. 6, 1983, see section 12(a)(1) of Pub. L. 98-209, set out as a note under section 801 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-632 effective first day of tenth month following October 1968, see section 4 of Pub. L. 90-632, set out as a note under section 801 of this title.

§ 843. Art. 43. Statute of limitations

(a) A person charged with absence without leave or missing movement in time of war, with murder, rape or sexual assault, or rape or sexual assault of a child, or with any other offense punishable by death, may be tried and punished at any time without limitation.