

In subsection (f), the word “is” is substituted for the words “shall be”.

## AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66, §1703(a), substituted “rape or sexual assault, or rape or sexual assault of a child” for “rape, or rape of a child”.

Subsec. (b)(2)(B)(i). Pub. L. 113-66, §1703(b), inserted “, unless the offense is covered by subsection (a)” before period at end.

Subsec. (b)(2)(B)(v). Pub. L. 112-239 substituted “Kidnaping,” for “Kidnaping,.”.

2011—Subsec. (b)(2)(B)(i). Pub. L. 112-81, §541(d)(1)(A), substituted “section 920, 920a, 920b, or 920c of this title (article 120, 120a, 120b, or 120c)” for “section 920 of this title (article 120)”.

Subsec. (b)(2)(B)(v). Pub. L. 112-81, §541(d)(1)(B), struck out “indecent assault” after “Kidnaping,” and “or liberties with a child” after “indecent acts”.

Pub. L. 111-383 substituted “Kidnaping, indecent assault,” for “Kidnaping; indecent assault;”.

2006—Subsec. (a). Pub. L. 109-163, §553(a), substituted “with murder or rape, or with any other offense punishable by death” for “or with any offense punishable by death”.

Pub. L. 109-163, §552(e), substituted “, rape, or rape of a child,” for “or rape,.”.

Subsec. (b)(2)(A). Pub. L. 109-163, §553(b)(1), substituted “during the life of the child or within five years after the date on which the offense was committed, whichever provides a longer period,” for “before the child attains the age of 25 years”.

Subsec. (b)(2)(B). Pub. L. 109-163, §553(b)(2)(A), struck out “sexual or physical” before “abuse of a person” in introductory provisions.

Subsec. (b)(2)(B)(i). Pub. L. 109-163, §553(b)(2)(B), substituted “Any offense” for “Rape or carnal knowledge”.

Subsec. (b)(2)(B)(iii). Pub. L. 109-364, §1071(a)(4)(A), substituted “125” for “126”.

Subsec. (b)(2)(B)(v). Pub. L. 109-163, §553(b)(2)(C), substituted “Kidnaping; indecent assault;” for “Indecent assault,.”.

Subsec. (b)(2)(C). Pub. L. 109-364, §1071(a)(4)(B), substituted “under chapter 110 or 117 of title 18 or under section 1591 of that title” for “under chapter 110 or 117, or under section 1591, of title 18”.

Pub. L. 109-163, §553(b)(3), added subpar. (C).

2003—Subsec. (b)(2), (3). Pub. L. 108-136 added par. (2) and redesignated former par. (2) as (3).

1986—Subsecs. (a) to (c). Pub. L. 99-661, §805(a), amended subsecs. (a) to (c) generally. Prior to amendment, subsecs. (a) to (c) read as follows:

“(a) A person charged with desertion or absence without leave in time of war, or with aiding the enemy, mutiny, or murder, may be tried and punished at any time without limitation.

“(b) Except as otherwise provided in this article, a person charged with desertion in time of peace or any of the offenses punishable under sections 919-932 of this title (articles 119-132) is not liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

“(c) Except as otherwise provided in this article, a person charged with any offense is not liable to be tried by court-martial or punished under section 815 of this title (article 15) if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under section 815 of this title (article 15).”

Subsec. (g). Pub. L. 99-661, §805(b), added subsec. (g).

## EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-66, div. A, title XVII, §1703(c), Dec. 26, 2013, 127 Stat. 958, provided that: “The amendments

made by this section [amending this section] shall take effect on the date of the enactment of this Act [Dec. 26, 2013], and shall apply with respect to an offense covered by section 920(b) or 920b(b) of title 10, United States Code (article 120(b) or 120b(b) of the Uniform Code of Military Justice), that is committed on or after that date.”

## EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. A, title V, §541(f), Dec. 31, 2011, 125 Stat. 1411, provided that: “The amendments made by this section [enacting sections 920b and 920c of this title and amending this section and sections 918 and 920 of this title] shall take effect 180 days after the date of the enactment of this Act [Dec. 31, 2011] and shall apply with respect to offenses committed on or after such effective date.”

## EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title V, §552(f), Jan. 6, 2006, 119 Stat. 3263, provided that: “The amendments made by this section [amending this section and sections 918 and 920 of this title and enacting provisions set out as notes under section 920 of this title] shall take effect on October 1, 2007.”

## EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-661, div. A, title VIII, §805(c), Nov. 14, 1986, 100 Stat. 3908, provided that: “The amendments made by this section [amending this section] shall apply to an offense committed on or after the date of the enactment of this Act [Nov. 14, 1986].”

**§ 844. Art. 44. Former jeopardy**

(a) No person may, without his consent, be tried a second time for the same offense.

(b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification is a trial in the sense of this article until the finding of guilty has become final after review of the case has been fully completed.

(c) A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this article.

(Aug. 10, 1956, ch. 1041, 70A Stat. 52.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
844(a) .....	50:619(a).	May 5, 1950, ch. 169, §1
844(b) .....	50:619(b).	(Art. 44), 64 Stat. 122.
844(c) .....	50:619(c).	

In subsection (a), the word “may” is substituted for the word “shall”.

In subsection (b), the word “is” is substituted for the words “shall be held to be”.

In subsection (c), the word “after” is substituted for the words “subsequent to”. The word “before” is substituted for the words “prior to”. The word “is” is substituted for the words “shall be”.

**§ 845. Art. 45. Pleas of the accused**

(a) If an accused after arraignment makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty imprudently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the