

1997—Pub. L. 105-85, div. A, title V, § 581(a)(2), Nov. 18, 1997, 111 Stat. 1760, added item 856a.

1996—Pub. L. 104-106, div. A, title XI, §§ 1122(a)(2), 1123(b), Feb. 10, 1996, 110 Stat. 463, 464, added items 857a and 858b.

1960—Pub. L. 86-633, § 1(2), July 12, 1960, 74 Stat. 468, added item 858a.

**§ 855. Art. 55. Cruel and unusual punishments prohibited**

Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by any court-martial or inflicted upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

(Aug. 10, 1956, ch. 1041, 70A Stat. 56.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
855 .....	50:636.	May 5, 1950, ch. 169, § 1 (Art. 55), 64 Stat. 126.

The word “may” is substituted for the word “shall”.

**§ 856. Art. 56. Maximum limits**

The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 56; Pub. L. 113-66, div. A, title XVII, § 1702(a)(1), (2)(A), Dec. 26, 2013, 127 Stat. 959.)

AMENDMENT OF SECTION

*Pub. L. 113-66, div. A, title XVII, § 1705(a)(1), (2)(A), (c), Dec. 26, 2013, 127 Stat. 959, 960, provided that, effective 180 days after Dec. 26, 2013, and applicable to offenses specified in subsection (b)(2) of this section committed on or after that date, this section is amended:*

*(1) by amending the section catchline to read as follows:*

“§ 856. Art. 56. Maximum and minimum limits”;

*(2) by inserting “(a)” before “The punishment”;* and

*(3) by adding at the end the following new subsection:*

*(b)(1) While a person subject to this chapter who is found guilty of an offense specified in paragraph (2) shall be punished as a general court-martial may direct, such punishment must include, at a minimum, dismissal or dishonorable discharge, except as provided for in section 860 of this title (article 60).*

*(2) Paragraph (1) applies to the following offenses:*

*(A) An offense in violation of subsection (a) or (b) of section 920 of this title (article 120(a) or (b)).*

*(B) Rape and sexual assault of a child under subsection (a) or (b) of section 920b of this title (article 120b).*

*(C) Forcible sodomy under section 925 of this title (article 125).*

*(D) An attempt to commit an offense specified in subparagraph (A), (B), or (C) that is punishable under section 880 of this title (article 80).*

*See 2013 Amendment note below.*

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
856 .....	50:637.	May 5, 1950, ch. 169, § 1 (Art. 56), 64 Stat. 126.

The word “may” is substituted for the word “shall”.

AMENDMENTS

2013—Pub. L. 113-66 substituted “Maximum and minimum limits” for “Maximum limits” in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-66 effective 180 days after Dec. 26, 2013, and applicable to offenses specified in subsec. (b)(2) of this section committed on or after that date, see section 1705(c) of Pub. L. 113-66, set out as a note under section 818 of this title.

**§ 856a. Art. 56a. Sentence of confinement for life without eligibility for parole**

(a) For any offense for which a sentence of confinement for life may be adjudged, a court-martial may adjudge a sentence of confinement for life without eligibility for parole.

(b) An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused’s life unless—

(1) the sentence is set aside or otherwise modified as a result of—

(A) action taken by the convening authority, the Secretary concerned, or another person authorized to act under section 860 of this title (article 60); or

(B) any other action taken during post-trial procedure and review under any other provision of subchapter IX;

(2) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

(3) the accused is pardoned.

(Added Pub. L. 105-85, div. A, title V, § 581(a)(1), Nov. 18, 1997, 111 Stat. 1759.)

EFFECTIVE DATE

Pub. L. 105-85, div. A, title V, § 581(b), Nov. 18, 1997, 111 Stat. 1760, provided that: “Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), as added by subsection (a), shall be applicable only with respect to an offense committed after the date of the enactment of this Act [Nov. 18, 1997].”

**§ 857. Art. 57. Effective date of sentences**

(a)(1) Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

(A) the date that is 14 days after the date on which the sentence is adjudged; or

(B) the date on which the sentence is approved by the convening authority.

(2) On application by an accused, the convening authority may defer a forfeiture of pay or allowances or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved