

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
893 .....	50:687.	May 5, 1950, ch. 169, §1 (Art. 93), 64 Stat. 136.

**§ 894. Art. 94. Mutiny or sedition**

(a) Any person subject to this chapter who—  
 (1) with intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;

(2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority is guilty of sedition;

(3) fails to do his utmost to prevent and suppress a mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior commissioned officer or commanding officer of a mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished by death or such other punishment as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 68.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
894(a) .....	50:688(a).	May 5, 1950, ch. 169, §1 (Art. 94), 64 Stat. 136.
894(b) .....	50:688(b).	

In subsection (a)(1) and (2), the words “or persons” are omitted, since, under section 1 of title 1, words importing the singular may apply to several persons.

In subsection (a)(3), the word “a” is substituted for the words “an offense of”. The words “commissioned officer” are inserted after the word “superior”, for clarity.

**§ 895. Art. 95. Resistance, flight, breach of arrest, and escape**

Any person subject to this chapter who—

- (1) resists apprehension;
- (2) flees from apprehension;
- (3) breaks arrest; or
- (4) escapes from custody or confinement;

shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69; Pub. L. 104-106, div. A, title XI, §1112(a), Feb. 10, 1996, 110 Stat. 461.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
895 .....	50:689.	May 5, 1950, ch. 169, §1 (Art. 95), 64 Stat. 136.

AMENDMENTS

1996—Pub. L. 104-106 inserted “flight,” after “Resistance,” in section catchline and amended text generally. Prior to amendment, text read as follows: “Any person

subject to this chapter who resists apprehension or breaks arrest or who escapes from custody or confinement shall be punished as a court-martial may direct.”

**§ 896. Art. 96. Releasing prisoner without proper authority**

Any person subject to this chapter who, without proper authority, releases any prisoner committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
896 .....	50:690.	May 5, 1950, ch. 169, §1 (Art. 96), 64 Stat. 136.

The words “whether or not the prisoner was committed in strict compliance with law” are substituted for the word “duly”, to reflect the long standing construction expressed in the Manual for Courts-Martial, United States, 1951, par. 175a.

**§ 897. Art. 97. Unlawful detention**

Any person subject to this chapter who, except as provided by law, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
897 .....	50:691.	May 5, 1950, ch. 169, §1 (Art. 97), 64 Stat. 137.

**§ 898. Art. 98. Noncompliance with procedural rules**

Any person subject to this chapter who—

- (1) is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this chapter; or
- (2) knowingly and intentionally fails to enforce or comply with any provision of this chapter regulating the proceedings before, during, or after trial of an accused;

shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
898 .....	50:692.	May 5, 1950, ch. 169, §1 (Art. 98), 64 Stat. 137.

**§ 899. Art. 99. Misbehavior before the enemy**

Any member of the armed forces who before or in the presence of the enemy—

- (1) runs away;
- (2) shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is his duty to defend;
- (3) through disobedience, neglect, or intentional misconduct endangers the safety of any

such command, unit, place, or military property;

(4) casts away his arms or ammunition;

(5) is guilty of cowardly conduct;

(6) quits his place of duty to plunder or pillage;

(7) causes false alarms in any command, unit, or place under control of the armed forces;

(8) willfully fails to do his utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is his duty so to encounter, engage, capture, or destroy; or

(9) does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies when engaged in battle;

shall be punished by death or such other punishment as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
899 .....	50:693.	May 5, 1950, ch. 169, §1 (Art. 99), 64 Stat. 137.

**§ 900. Art. 100. Subordinate compelling surrender**

Any person subject to this chapter who compels or attempts to compel the commander of any place, vessel, aircraft, or other military property, or of any body of members of the armed forces, to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority, shall be punished by death or such other punishment as a court-martial may direct.

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

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
900 .....	50:694.	May 5, 1950, ch. 169, §1 (Art. 100), 64 Stat. 137.

**§ 901. Art. 101. Improper use of countersign**

Any person subject to this chapter who in time of war discloses the parole or countersign to any person not entitled to receive it or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to his knowledge, he was authorized and required to give, shall be punished by death or such other punishment as a court-martial may direct.

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

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
901 .....	50:695.	May 5, 1950, ch. 169, §1 (Art. 101), 64 Stat. 137.

**§ 902. Art. 102. Forcing a safeguard**

Any person subject to this chapter who forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

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

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902 .....	50:696.	May 5, 1950, ch. 169, §1 (Art. 102), 64 Stat. 137.

**§ 903. Art. 103. Captured or abandoned property**

(a) All persons subject to this chapter shall secure all public property taken from the enemy for the service of the United States, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.

(b) Any person subject to this chapter who—

(1) fails to carry out the duties prescribed in subsection (a);

(2) buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he receives or expects any profit, benefit, or advantage to himself or another directly or indirectly connected with himself; or

(3) engages in looting or pillaging;

shall be punished as a court-martial may direct.

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

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903(a) .....	50:697(a).	May 5, 1950, ch. 169, §1 (Art. 103), 64 Stat. 138.
903(b) .....	50:697(b).	

In subsection (b)(1), the words “of this section” are omitted as surplusage.

**§ 904. Art. 104. Aiding the enemy**

Any person who—

(1) aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or

(2) without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly;

shall suffer death or such other punishment as a court-martial or military commission may direct. This section does not apply to a military commission established under chapter 47A of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 70; Pub. L. 109-366, §4(a)(2), Oct. 17, 2006, 120 Stat. 2631.)

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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
904 .....	50:698.	May 5, 1950, ch. 169, §1 (Art. 104), 64 Stat. 138.

AMENDMENTS

2006—Pub. L. 109-366 inserted last sentence in concluding provisions.

**§ 905. Art. 105. Misconduct as prisoner**

Any person subject to this chapter who, while in the hands of the enemy in time of war—

(1) for the purpose of securing favorable treatment by his captors acts without proper