

2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as a note under section 801 of this title.

§ 884. Art. 84. Unlawful enlistment, appointment, or separation

Any person subject to this chapter who effects an enlistment or appointment in or a separation from the armed forces of any person who is known to him to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 66.)

TRANSFER AND ENACTMENT OF SECTION

Pub. L. 114-328, div. E, title LX, §§ 5401(1), 5405, title LXIII, § 5542, Dec. 23, 2016, 130 Stat. 2938, 2940, 2967, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, this section is redesignated and transferred to become section 904b of this title (article 104b), and a new section 884 (article 84) is enacted. For text of new section 884 after the effective date, see Amendment of Analysis and Subchapter note preceding section 877 of this title.

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
884	50:678.	May 5, 1950, ch. 169, § 1 (Art. 84), 64 Stat. 135.

EFFECTIVE DATE OF 2016 AMENDMENT

Transfer of current section and enactment of new section 884 by Pub. L. 114-328 effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as a note under section 801 of this title.

§ 885. Art. 85. Desertion

- (a) Any member of the armed forces who—
 - (1) without authority goes or remains absent from his unit, organization, or place of duty with intent to remain away therefrom permanently;
 - (2) quits his unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or
 - (3) without being regularly separated from one of the armed forces enlists or accepts an appointment in the same or another one of the armed forces without fully disclosing the fact that he has not been regularly separated, or enters any foreign armed service except when authorized by the United States;

is guilty of desertion.

- (b) Any commissioned officer of the armed forces who, after tender of his resignation and before notice of its acceptance, quits his post or proper duties without leave and with intent to

remain away therefrom permanently is guilty of desertion.

- (c) Any person found guilty of desertion or attempt to desert shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, but if the desertion or attempt to desert occurs at any other time, by such punishment, other than death, as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
885(a)	50:679(a).	May 5, 1950, ch. 169, § 1 (Art. 85), 64 Stat. 135.
885(b)	50:679(b).	
885(c)	50:679(c).	

In subsection (a), the word “unit” is substituted for the words “place of service” to conform to clause (2) of this section and section 886(3) of this title. The word “proper” is omitted as surplusage.

In subsection (b), the word “commissioned” is inserted for clarity. The word “before” is substituted for the words “prior to”. The words “its acceptance” are substituted for the words “the acceptance of the same”. The words “after tender of” are substituted for the words “having tendered” for clarity. The word “due” is omitted as surplusage.

In subsection (c), the words “attempt to desert” are substituted for the words “attempted desertion”.

§ 886. Art. 86. Absence without leave

Any member of the armed forces who, without authority—

- (1) fails to go to his appointed place of duty at the time prescribed;
- (2) goes from that place; or
- (3) absents himself or remains absent from his unit, organization, or place of duty at which he is required to be at the time prescribed;

shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 67.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
886	50:680.	May 5, 1950, ch. 169, § 1 (Art. 86), 64 Stat. 135.

The words “proper” and “other” are omitted as surplusage.

§ 887. Art. 87. Missing movement

Any person subject to this chapter who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 67; Pub. L. 114-328, div. E, title LX, § 5406, Dec. 23, 2016, 130 Stat. 2940.)

AMENDMENT OF SECTION

Pub. L. 114-328, div. E, title LX, § 5406, title LXIII, § 5542, Dec. 23, 2016, 130 Stat. 2940, 2967, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regula-