

§ 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

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 886: 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; jumping from vessel

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

(b) JUMPING FROM VESSEL INTO THE WATER.—Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the armed forces 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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 887: 887, 50:681, May 5, 1950, ch. 169, §1 (Art. 87), 64 Stat. 135.

AMENDMENTS

2016—Pub. L. 114-328 amended section generally. Prior to amendment, text read as follows: "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."

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective on Jan. 1, 2019, as designated by the President, with implementing regulations and provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328 and Ex. Ord. No. 13825, set out as notes under section 801 of this title.

§ 887a. Art. 87a. 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, §895; Pub. L. 104-106, div. A, title XI, §1112(a), Feb. 10, 1996, 110

Stat. 461; renumbered §887a, Pub. L. 114-328, div. E, title LX, §5401(2), Dec. 23, 2016, 130 Stat. 2938.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 895: 895, 50:689, May 5, 1950, ch. 169, §1 (Art. 95), 64 Stat. 136.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 895 of this title as this section.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective on Jan. 1, 2019, as designated by the President, with implementing regulations and provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328 and Ex. Ord. No. 13825, set out as notes under section 801 of this title.

§ 887b. Art. 87b. Offenses against correctional custody and restriction

(a) ESCAPE FROM CORRECTIONAL CUSTODY.—Any person subject to this chapter—

- (1) who is placed in correctional custody by a person authorized to do so;
(2) who, while in correctional custody, is under physical restraint; and
(3) who escapes from the physical restraint before being released from the physical restraint by proper authority;

shall be punished as a court-martial may direct.

(b) BREACH OF CORRECTIONAL CUSTODY.—Any person subject to this chapter—

- (1) who is placed in correctional custody by a person authorized to do so;
(2) who, while in correctional custody, is under restraint other than physical restraint; and
(3) who goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority;

shall be punished as a court-martial may direct. (c) BREACH OF RESTRICTION.—Any person subject to this chapter—

- (1) who is ordered to be restricted to certain limits by a person authorized to do so; and
(2) who, with knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority;

shall be punished as a court-martial may direct.

(Added Pub. L. 114-328, div. E, title LX, §5407, Dec. 23, 2016, 130 Stat. 2941.)

EFFECTIVE DATE

Section effective on Jan. 1, 2019, as designated by the President, with implementing regulations and provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328 and Ex. Ord. No. 13825, set out as notes under section 801 of this title.

§ 888. Art. 88. Contempt toward officials

Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Homeland Security, or the Governor or