

Armed Services of the Senate and the House of Representatives, a report describing the procedures established under this section.”

**§ 913. Art. 113. Drunken or reckless operation of a vehicle, aircraft, or vessel**

(a) Any person subject to this chapter who—

(1) operates or physically controls any vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in section 912a(b) of this title (article 112a(b)), or

(2) operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person’s blood or breath is equal to or exceeds the applicable limit under subsection (b),

shall be punished as a court-martial may direct.

(b)(1) For purposes of subsection (a), the applicable limit on the alcohol concentration in a person’s blood or breath is as follows:

(A) In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, such limit is the lesser of—

- (i) the blood alcohol content limit under the law of the State in which the conduct occurred, except as may be provided under paragraph (2) for conduct on a military installation that is in more than one State; or
- (ii) the blood alcohol content limit specified in paragraph (3).

(B) In the case of the operation or control of a vehicle, aircraft, or vessel outside the United States, the applicable blood alcohol content limit is the blood alcohol content limit specified in paragraph (3) or such lower limit as the Secretary of Defense may by regulation prescribe.

(2) In the case of a military installation that is in more than one State, if those States have different blood alcohol content limits under their respective State laws, the Secretary may select one such blood alcohol content limit to apply uniformly on that installation.

(3) For purposes of paragraph (1), the blood alcohol content limit with respect to alcohol concentration in a person’s blood is 0.08 grams of alcohol per 100 milliliters of blood and with respect to alcohol concentration in a person’s breath is 0.08 grams of alcohol per 210 liters of breath, as shown by chemical analysis. The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.

(4) In this subsection:

(A) The term “blood alcohol content limit” means the amount of alcohol concentration in a person’s blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.

(B) The term “United States” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and the term “State” includes each of those jurisdictions.

(Aug. 10, 1956, ch. 1041, 70A Stat. 72, §911; Pub. L. 99-570, title III, §3055, Oct. 27, 1986, 100 Stat.

3207-76; Pub. L. 102-484, div. A, title X, §1066(a)(1), Oct. 23, 1992, 106 Stat. 2506; Pub. L. 103-160, div. A, title V, §576(a), Nov. 30, 1993, 107 Stat. 1677; Pub. L. 107-107, div. A, title V, §581, Dec. 28, 2001, 115 Stat. 1123; Pub. L. 108-136, div. A, title V, §552, Nov. 24, 2003, 117 Stat. 1481; renumbered §913 and amended Pub. L. 114-328, div. E, title LX, §§5401(9), 5425, Dec. 23, 2016, 130 Stat. 2939, 2948.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
911 .....	50:705.	May 5, 1950, ch. 169, §1 (Art. 111), 64 Stat. 139.

PRIOR PROVISIONS

A prior section 913 was renumbered section 895 of this title.

AMENDMENTS

2016—Pub. L. 114-328, §5401(9), renumbered section 911 of this title as this section.

Subsec. (b)(3). Pub. L. 114-328, §5425, substituted “0.08 grams” for “0.10 grams” in two places and inserted at end “The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.”

2003—Subsec. (a)(2). Pub. L. 108-136, §552(1), substituted “is equal to or exceeds” for “is in excess of”.

Subsec. (b)(1)(A). Pub. L. 108-136, §552(2)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, such limit is the blood alcohol content limit under the law of the State in which the conduct occurred, except as may be provided under paragraph (2) for conduct on a military installation that is in more than one State and subject to the maximum blood alcohol content limit specified in paragraph (3).”

Subsec. (b)(1)(B), (3). Pub. L. 108-136, §552(2)(B), struck out “maximum” before “blood alcohol content specified” in par. (1)(B) and before “blood alcohol content” in par. (3).

Subsec. (b)(4)(A). Pub. L. 108-136, §552(2)(C), substituted “amount of alcohol concentration in a person’s blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.” for “maximum permissible alcohol concentration in a person’s blood or breath for purposes of operation or control of a vehicle, aircraft, or vessel.”

2001—Pub. L. 107-107 designated existing provisions as subsec. (a), substituted “in excess of the applicable limit under subsection (b)” for “0.10 grams or more of alcohol per 100 milliliters of blood or 0.10 grams or more of alcohol per 210 liters of breath, as shown by chemical analysis” in par. (2), and added subsec. (b).

1993—Par. (2). Pub. L. 103-160 inserted “or more” after “0.10 grams” in two places.

1992—Pub. L. 102-484 substituted “operation of a vehicle, aircraft, or vessel” for “driving” in section catchline and amended text generally. Prior to amendment, text read as follows: “Any person subject to this chapter who operates any vehicle while drunk, or in a reckless or wanton manner, or while impaired by a substance described in section 912a(b) of this title (article 112a(b)), shall be punished as a court-martial may direct.”

1986—Pub. L. 99-570 inserted “or while impaired by a substance described in section 912a(b) of this title (article 112a(b)).”

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective on Jan. 1, 2019, as designated by the President, with implement-

ing 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.

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-160, div. A, title V, §576(b), Nov. 30, 1993, 107 Stat. 1677, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102-484 on October 23, 1992.”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-484 effective Oct. 23, 1992, and applicable with respect to offenses committed on or after that date, see section 1067 of Pub. L. 102-484, set out as a note under section 803 of this title.

**§ 914. Art. 114. Endangerment offenses**

(a) RECKLESS ENDANGERMENT.—Any person subject to this chapter who engages in conduct that—

- (1) is wrongful and reckless or is wanton; and
- (2) is likely to produce death or grievous bodily harm to another person;

shall be punished as a court-martial may direct.

(b) DUELING.—Any person subject to this chapter—

- (1) who fights or promotes, or is concerned in or connives at fighting, a duel; or
- (2) who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority;

shall be punished as a court-martial may direct.

(c) FIREARM DISCHARGE, ENDANGERING HUMAN LIFE.—Any person subject to this chapter who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

(d) CARRYING CONCEALED WEAPON.—Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 72; Pub. L. 114-328, div. E, title LX, §5426, Dec. 23, 2016, 130 Stat. 2948.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
914 .....	50:708.	May 5, 1950, ch. 169, §1 (Art. 114), 64 Stat. 139.

AMENDMENTS

2016—Pub. L. 114-328 amended section generally. Prior to amendment, text read as follows: “Any person subject to this chapter who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority, 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.

**§ 915. Art. 115. Communicating threats**

(a) COMMUNICATING THREATS GENERALLY.—Any person subject to this chapter who wrongfully communicates a threat to injure the person, property, or reputation of another shall be punished as a court-martial may direct.

(b) COMMUNICATING THREAT TO USE EXPLOSIVE, ETC.—Any person subject to this chapter who wrongfully communicates a threat to injure the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct.

(c) COMMUNICATING FALSE THREAT CONCERNING USE OF EXPLOSIVE, ETC.—Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct. As used in the preceding sentence, the term “false threat” means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.

(Aug. 10, 1956, ch. 1041, 70A Stat. 72; Pub. L. 114-328, div. E, title LX, §5427, Dec. 23, 2016, 130 Stat. 2948.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
915 .....	50:709.	May 5, 1950, ch. 169, §1 (Art. 115), 64 Stat. 139.

AMENDMENTS

Pub. L. 114-328 amended section generally. Prior to amendment, section related to the offense of malingering. See section 883 of this title.

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.

**§ 916. Art. 116. Riot or breach of peace**

Any person subject to this chapter who causes or participates in any riot or breach of the peace shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 72.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
916 .....	50:710.	May 5, 1950, ch. 169, §1 (Art. 116), 64 Stat. 139.

**§ 917. Art. 117. Provoking speeches or gestures**

Any person subject to this chapter who uses provoking or reproachful words or gestures towards any other person subject to this chapter shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 72.)