

The words “of any description” are omitted as surplusage.

§ 928. Art. 128. Assault

(a) ASSAULT.—Any person subject to this chapter who, unlawfully and with force or violence—

- (1) attempts to do bodily harm to another person;
(2) offers to do bodily harm to another person; or
(3) does bodily harm to another person;

is guilty of assault and shall be punished as a court-martial may direct.

(b) AGGRAVATED ASSAULT.—Any person subject to this chapter—

- (1) who, with the intent to do bodily harm, offers to do bodily harm with a dangerous weapon;
(2) who, in committing an assault, inflicts substantial bodily harm or grievous bodily harm on another person; or
(3) who commits an assault by strangulation or suffocation;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED OFFENSES.—

- (1) IN GENERAL.—Any person subject to this chapter who commits assault with intent to commit an offense specified in paragraph (2) shall be punished as a court-martial may direct.
(2) OFFENSES SPECIFIED.—The offenses referred to in paragraph (1) are murder, voluntary manslaughter, rape, sexual assault, rape of a child, sexual assault of a child, robbery, arson, burglary, and kidnapping.

(Aug. 10, 1956, ch. 1041, 70A Stat. 75; Pub. L. 114-328, div. E, title LX, §5441, Dec. 23, 2016, 130 Stat. 2954; Pub. L. 115-91, div. A, title X, §1081(c)(1)(P), Dec. 12, 2017, 131 Stat. 1599; Pub. L. 115-232, div. A, title V, §531(a), Aug. 13, 2018, 132 Stat. 1759.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Rows for 928(a) and 928(b).

AMENDMENTS

- 2018—Subsec. (b)(3). Pub. L. 115-232 added par. (3).
2017—Subsec. (b)(2). Pub. L. 115-91 struck out comma after “substantial bodily harm”.
2016—Pub. L. 114-328 amended section generally. Prior to amendment, section related to the offenses of assault and aggravated assault.

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-232, div. A, title V, §531(b), Aug. 13, 2018, 132 Stat. 1759, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on January 1, 2019, immediately after the coming into effect of the amendment made by section 5441 of the Military Justice Act of 2016 (division E of Public Law 114-328; 130 Stat. 2954) [which amended this section] as provided in section 5542 of that Act (130 Stat. 2967; 10 U.S.C. 801 note).”

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-91 effective immediately after the amendments made by div. E (§§5001-5542) of

Pub. L. 114-328 take effect as provided for in section 5542 of that Act (10 U.S.C. 801 note), see section 1081(c)(4) of Pub. L. 115-91, set out as a note under section 801 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.

§ 928a. Art. 128a. Maiming

Any person subject to this chapter who, with intent to injure, disfigure, or disable, inflicts upon the person of another an injury which—

- (1) seriously disfigures his person by any mutilation thereof;
(2) destroys or disables any member or organ of his body; or
(3) seriously diminishes his physical vigor by the injury of any member or organ;

is guilty of maiming and shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 74, §924; renumbered §928a, Pub. L. 114-328, div. E, title LX, §5401(13)(A), Dec. 23, 2016, 130 Stat. 2939.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row for 924.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 924 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.

§ 928b. Art. 128b. Domestic violence

Any person who—

- (1) commits a violent offense against a spouse, an intimate partner, or an immediate family member of that person;
(2) with intent to threaten or intimidate a spouse, an intimate partner, or an immediate family member of that person—
(A) commits an offense under this chapter against any person; or
(B) commits an offense under this chapter against any property, including an animal;
(3) with intent to threaten or intimidate a spouse, an intimate partner, or an immediate family member of that person, violates a protection order;
(4) with intent to commit a violent offense against a spouse, an intimate partner, or an immediate family member of that person, violates a protection order; or
(5) assaults a spouse, an intimate partner, or an immediate family member of that person by strangling or suffocating;

shall be punished as a court-martial may direct.