

note below), analysis no longer included item 917a, but item was added back editorially, to reflect the probable intent of Congress.

2016—Pub. L. 114-328, div. E, title LX, §5452, Dec. 23, 2016, 130 Stat. 2958, as amended by Pub. L. 115-91, div. A, title X, §1081(d)(18), Dec. 12, 2017, 131 Stat. 1600, amended analysis generally, substituting items 877 to 934 for former items 877 to 934.

2013—Pub. L. 113-66, div. A, title XVII, §1707(b), Dec. 26, 2013, 127 Stat. 961, substituted “Forcible sodomy; bestiality” for “Sodomy” in item 925.

2011—Pub. L. 112-81, div. A, title V, §541(e), Dec. 31, 2011, 125 Stat. 1410, substituted “Rape and sexual assault generally” for “Rape, sexual assault, and other sexual misconduct” in item 920 and added items 920b and 920c.

2006—Pub. L. 109-163, div. A, title V, §552(a)(2), Jan. 6, 2006, 119 Stat. 3262, substituted “Rape, sexual assault, and other sexual misconduct” for “Rape and carnal knowledge” in item 920.

Pub. L. 109-163, div. A, title V, §551(a)(2), Jan. 6, 2006, 119 Stat. 3256, added item 920a.

2004—Pub. L. 108-212, §3(b), Apr. 1, 2004, 118 Stat. 570, added item 919a.

1997—Pub. L. 105-85, div. A, title X, §1073(a)(10), Nov. 18, 1997, 111 Stat. 1900, struck out “Art.” before “95” in item 895.

1996—Pub. L. 104-106, div. A, title XI, §1112(b), Feb. 10, 1996, 110 Stat. 461, inserted “flight,” after “Resistance,” in item 895.

1992—Pub. L. 102-484, div. A, title X, §1066(a)(2), Oct. 23, 1992, 106 Stat. 2506, substituted “operation of a vehicle, aircraft, or vessel” for “driving” in item 911.

1985—Pub. L. 99-145, title V, §534(b), Nov. 8, 1985, 99 Stat. 635, added item 906a.

1983—Pub. L. 98-209, §8(b), Dec. 6, 1983, 97 Stat. 1404, added item 912a.

1961—Pub. L. 87-385, §1(2), Oct. 4, 1961, 75 Stat. 814, added item 923a.

§ 877. Art. 77. Principals

Any person punishable under this chapter who—

- (1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission; or
(2) causes an act to be done which if directly performed by him would be punishable by this chapter;

is a principal.

(Aug. 10, 1956, ch. 1041, 70A Stat. 65.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 877: 50:671, May 5, 1950, ch. 169, §1 (Art. 77), 64 Stat. 134.

§ 878. Art. 78. Accessory after the fact

Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 65.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 878: 50:672, May 5, 1950, ch. 169, §1 (Art. 78), 64 Stat. 134.

§ 879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts

(a) IN GENERAL.—An accused may be found guilty of any of the following:

- (1) The offense charged.
(2) A lesser included offense.
(3) An attempt to commit the offense charged.
(4) An attempt to commit a lesser included offense, if the attempt is an offense in its own right.

(b) LESSER INCLUDED OFFENSE DEFINED.—In this section (article), the term “lesser included offense” means—

- (1) an offense that is necessarily included in the offense charged; and
(2) any lesser included offense so designated by regulation prescribed by the President.

(c) REGULATORY AUTHORITY.—Any designation of a lesser included offense in a regulation referred to in subsection (b) shall be reasonably included in the greater offense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 65; Pub. L. 114-328, div. E, title LX, §5402, 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 879: 50:673, May 5, 1950, ch. 169, §1 (Art. 79), 64 Stat. 134.

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-328 amended section generally. Prior to amendment, text read as follows: “An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.”

Statutory Notes and Related Subsidiaries

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.

§ 880. Art. 80. Attempts

(a) An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

(c) Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

(Aug. 10, 1956, ch. 1041, 70A Stat. 65.)