

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 880(a) | 50:674(a). | May 5, 1950, ch. 169, §1 (Art. 80), 64 Stat. 134. |
| 880(b) | 50:674(b). | |
| 880(c) | 50:674(c). | |

In subsection (a), the words “even though” are substituted for the word “but” for clarity.

§ 881. Art. 81. Conspiracy

(a) Any person subject to this chapter who conspires with any other person to commit an offense under this chapter shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

(b) Any person subject to this chapter who conspires with any other person to commit an offense under the law of war, and who knowingly does an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 66; Pub. L. 109-366, §4(b), Oct. 17, 2006, 120 Stat. 2631.)

HISTORICAL AND REVISION NOTES

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|-----------------|--------------------|--|
| 881 | 50:675. | May 5, 1950, ch. 169, §1 (Art. 81), 64 Stat. 134. |

The words “or persons” are omitted as surplusage, since under section 1 of title 1 words importing the singular may apply to several persons.

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-366 designated existing provisions as subsec. (a) and added subsec. (b).

§ 882. Art. 82. Soliciting commission of offenses

(a) SOLICITING COMMISSION OF OFFENSES GENERALLY.—Any person subject to this chapter who solicits or advises another to commit an offense under this chapter (other than an offense specified in subsection (b)) shall be punished as a court-martial may direct.

(b) SOLICITING DESERTION, MUTINY, SEDITION, OR MISBEHAVIOR BEFORE THE ENEMY.—Any person subject to this chapter who solicits or advises another to violate section 885 of this title (article 85), section 894 of this title (article 94), or section 899 of this title (article 99)—

(1) if the offense solicited or advised is attempted or is committed, shall be punished with the punishment provided for the commission of the offense; and

(2) if the offense solicited or advised is not attempted or committed, shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 66; Pub. L. 114-328, div. E, title LX, §5403, Dec. 23, 2016, 130 Stat. 2939; Pub. L. 115-91, div. A, title X, §1081(c)(1)(M), Dec. 12, 2017, 131 Stat. 1598.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 882(a) | 50:676(a). | May 5, 1950, ch. 169, §1, (Art. 82), 64 Stat. 134. |
| 882(b) | 50:676(b). | |

Editorial Notes

AMENDMENTS

2017—Subsec. (b). Pub. L. 115-91 substituted “section 899” for “section 99” in introductory provisions.

2016—Pub. L. 114-328 amended section generally. Prior to amendment, section related to solicitation of desertion, mutiny, misbehavior before the enemy, or sedition.

Statutory Notes and Related Subsidiaries

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, 2016, 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.

§ 883. Art. 83. Malingering

Any person subject to this chapter who, with the intent to avoid work, duty, or service—

- (1) feigns illness, physical disablement, mental lapse, or mental derangement; or
- (2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.

(Added Pub. L. 114-328, div. E, title LX, §5404, Dec. 23, 2016, 130 Stat. 2940.)

Editorial Notes

PRIOR PROVISIONS

A prior section 883 was renumbered section 904a of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on Jan. 1, 2016, 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.

§ 884. Art. 84. Breach of medical quarantine

Any person subject to this chapter—

- (1) who is ordered into medical quarantine by a person authorized to issue such order; and
- (2) who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority;

shall be punished as a court-martial may direct.

(Added Pub. L. 114-328, div. E, title LX, §5405, Dec. 23, 2016, 130 Stat. 2940.)