

CHAPTER 775—DISPOSITION OF EFFECTS OF DECEASED PERSONS; CAPTURED FLAGS

- Sec.
7712. Disposition of effects of deceased persons by summary court-martial.
7714. Collection of captured flags, standards, and colors.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(4), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 445 of this title as this chapter and items 4712 and 4714 as 7712 and 7714, respectively.

1999—Pub. L. 106-65, div. A, title VII, §721(c)(3), (5), Oct. 5, 1999, 113 Stat. 694, 695, substituted “DISPOSITION” for “INQUESTS; DISPOSITION” in chapter heading and struck out item 4711 “Inquests”.

1990—Pub. L. 101-510, div. A, title XV, §1533(a)(7)(B), Nov. 5, 1990, 104 Stat. 1734, struck out item 4713 “Disposition of effects of deceased persons by Soldiers’ and Airmen’s Home”.

1980—Pub. L. 96-513, title V, §512(21)(C), Dec. 12, 1980, 94 Stat. 2930, inserted “and Airmen’s” after “Soldiers’” in item 4713.

§ 7712. Disposition of effects of deceased persons by summary court-martial

(a) Upon the death of—

(1) a person subject to military law at a place or command under the jurisdiction of the Army; or

(2) a resident of the Armed Forces Retirement Home who dies in an Army hospital outside the District of Columbia when sent from the Home to that hospital for treatment;

the commanding officer of the place or command shall permit the legal representative or the surviving spouse of the deceased, if present, to take possession of the effects of the deceased that are then in camp or quarters.

(b) If there is no legal representative or surviving spouse present, the commanding officer shall direct a summary court-martial to collect the effects of the deceased that are then in camp or quarters.

(c) The summary court-martial may collect debts due the decedent’s estate by local debtors, pay undisputed local creditors of the deceased to the extent permitted by money of the deceased in the court’s possession, and shall take receipts for those payments, to be filed with the court’s final report to the Department of the Army.

(d) As soon as practicable after the collection of the effects and money of the deceased, the summary court-martial shall send them at the expense of the United States to the living person highest on the following list who can be found by the court:

- (1) The surviving spouse or legal representative.
- (2) A child of the deceased.
- (3) A parent of the deceased.
- (4) A brother or sister of the deceased.
- (5) The next-of-kin of the deceased.
- (6) A beneficiary named in the will of the deceased.

(e) If the summary court-martial cannot dispose of the effects under subsection (d) because there are no persons in those categories or be-

cause the court finds that the addresses of the persons are not known or readily ascertainable, the court may convert the effects of the deceased, except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, into cash, by public or private sale, but not until 30 days after the date of death of the deceased.

(f) As soon as practicable after the effects have been converted into cash under subsection (e), the summary court-martial shall deposit all cash in the court’s possession and belonging to the estate with the officer designated in regulations, and shall send a receipt therefor, together with any will or other papers of value, an inventory of the effects, and articles not permitted to be sold, to the executive part of the Department of the Army. The Secretary of the Army shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Army under this subsection.

(Aug. 10, 1956, ch. 1041, 70A Stat. 264, §4712; Pub. L. 89-718, §30, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 96-513, title V, §512(20), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 99-145, title XIII, §1301(b)(4)(A), Nov. 8, 1985, 99 Stat. 736; Pub. L. 101-510, div. A, title XV, §1533(a)(6), Nov. 5, 1990, 104 Stat. 1734; Pub. L. 104-316, title II, §202(g), Oct. 19, 1996, 110 Stat. 3842; renumbered §7712, Pub. L. 115-232, div. A, title VIII, §808(d), Aug. 13, 2018, 132 Stat. 1839.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4712(a)	5:150j (words before 1st semicolon of 1st par.; and last par.).	June 4, 1920, ch. 227, subch. II, §1 (Art. 112), 41 Stat. 809; May 5, 1950, ch. 169, § 6(c), 64 Stat. 145.
4712(b)	5:150j (22 words after 1st semicolon of 1st par.).	
4712(c)	5:150j (words between 1st and 2d semicolons of 1st par., less 1st 22 words).	
4712(d)	5:150j (words between 2d and 3d semicolons of 1st par.).	
4712(e)	5:150j (words between 3d and 4th semicolons of 1st par.).	
4712(f)	5:150j (1st par., less words before 4th semicolon, and less last 40 words).	
4712(g)	5:150j (last 40 words of 1st par.).	

In subsection (a), the words “the court-martial jurisdiction of the Army or the Air Force at a place or command under the jurisdiction of the Army” are substituted for the words “military law”, to reflect the creation of a separate Air Force. Clause (2) is substituted for 5:150j (last par.).

In subsections (a), (b), and (d), the words “surviving spouse” are substituted for the word “widow”.

In subsection (c), the word “may” is substituted for the words “shall have authority to”. The words “to the extent permitted” are substituted for the words “in so far as * * * will permit”. The words “under this article” and “upon its transactions” are omitted as surplusage.

In subsection (d), the words “through the Quartermaster Corps” are omitted, since the functions are no longer lodged in the Quartermaster Corps. The words “if such be found by said court” are omitted as surplusage. The words “United States” are substituted for the word “Government”. 5:150j (19 words before 3d semicolon of 1st par.) is omitted as covered by subsection (g).

In subsection (e), the first 37 words are substituted for 5:150j (33 words after 3d semicolon of 1st par.). The word “may” is substituted for the words “shall have the authority”.