

## THE MICHIGAN PENAL CODE (EXCERPT)

### Act 328 of 1931

#### CHAPTER LIX

#### MILITARY

##### **750.398 Member of state militia; depriving or obstructing employment.**

Sec. 398. Depriving or obstructing employment of one because he is a member of state militia—Any person who shall either by himself or another deprive a member of the organized militia of this state of employment or prevent, obstruct or annoy any such member or his employer in respect of such employment because such member is commissioned or enlisted in the organized militia of this state or because such person performs military duty under orders from competent authority; and any person who shall dissuade any other person from enlisting in the organized militia of this state by threats of injury, in case he shall enlist, in respect of his employment, trade or business, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.398.

**Former law:** See sections 1 and 4 of Act 194 of 1909, being CL 1915, §§ 971 and 974; and CL 1929, §§ 728 and 731.

##### **750.399 Member of state militia; discrimination.**

Sec. 399. Discrimination by associations, etc., against a member of the state militia—Any association or corporation constituted or organized for the purpose of promoting the success of any trade, employment or business of the members thereof and any association whose membership is confined to persons of a particular race, which shall, by any constitution, rule, by-law, regulation, vote or resolution discriminate against any member of the organized militia of this state in respect to the eligibility of the officer or soldier to membership in such association or corporation, or in respect to his right to retain his membership in such association or corporation, and any person who shall aid in enforcing any such provision against any officer or soldier of the organized militia of this state with intent to discriminate against such member on account of his membership, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.399.

**Former law:** See sections 2 and 4 of Act 194 of 1909, being CL 1915, §§ 972 and 974; and CL 1929, §§ 729 and 731.

##### **750.400 Member of state militia; molesting or abusing.**

Sec. 400. Molesting or abusing member of state militia because of such membership—Any person who shall unlawfully molest, insult or abuse any member of the organized militia of this state while in the performance of military duty, or unlawfully molest, insult or abuse any such member because of his membership or on account of the performance of military duty while a member, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.400.

**Former law:** See sections 3 and 4 of Act 194 of 1909, being CL 1915, §§ 973 and 974; and CL 1929, §§ 730 and 731.

##### **750.401 Army, navy or national guard uniform, unauthorized wearing.**

Sec. 401. Unauthorized wearing of army, navy or national guard uniform—Any person other than an officer or enlisted man of the national guard of the state of Michigan, or of any other state, or of the United States army or navy, marine corps or revenue service or forest service, or instructor or student in a military school, or inmate of any veterans' or soldiers' home, who at any time wears the uniform of the United States army or navy or national guard, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the state of Michigan, shall be guilty of a misdemeanor: Provided, That nothing in this section shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any playhouse or theatre while actually engaged in following said profession: Provided further, That nothing in this section shall be construed as prohibiting the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room: Provided further, That whenever the national guard or any part thereof is in active service, or is called into actual service, no civic organization or member thereof shall parade or appear in uniform in the locality where said national guard is in service.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.401.

**Former law:** See section 1 of Act 201 of 1909, being CL 1915, § 998; and CL 1929, § 911.

##### **750.402 Societies parading under arms.**

Sec. 402. Certain societies parading under arms—Any society whose membership is confined to members of a certain race, which has heretofore adopted a uniform similar to the uniform of the organized militia of

this state, may continue to wear the same when appearing in public, but the governor of this state may, by a proper order, in times of public tumult, direct that such societies shall not parade under arms, and if any society disobey such order, the persons so violating said order shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.402.

**Former law:** See section 2 of Act 201 of 1909, being CL 1915, § 999; and CL 1929, § 912.

#### **750.403 Desertion from military service.**

Sec. 403. Desertion from military service—Any commissioned officer, non-commissioned officer, musician or private who shall desert the service of the United States, or of this state, shall, unless claimed and punished under the authority and by the law of the United States, be guilty of a misdemeanor, punishable by imprisonment in the state prison for not more than 2 years; and it shall be the duty of any sheriff, undersheriff, deputy sheriff, constable, city or village marshal, to arrest any such deserter wherever he may be found in this state, whenever such officer shall have knowledge, or reasonable evidence, by affidavit, of such desertion, and shall thereupon forthwith notify the adjutant general of this state.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.403.

**Former law:** See section 1 of Act 128 of 1863, being CL 1871, § 7761; How., § 9358; CL 1897, § 11387; CL 1915, § 15105; and CL 1929, § 16638.

#### **750.404 Desertion from military service.**

Sec. 404. Any person who has enlisted into the service of the United States, or of this state, and who was sworn into such service, or who offers himself or herself as a substitute for a citizen of this state duly drafted into the service of the United States or of this state and after being duly sworn into such service, deserts the same, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.404;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 6 of Act 128 of 1863, being CL 1871, § 7766; How., § 9363; CL 1897, § 11392; CL 1915, § 15110; and CL 1929, § 16643.

#### **750.405 Desertion from military service; inciting.**

Sec. 405. Inciting soldiers to desert—Any person who, during any war, rebellion or insurrection against the United States, or against this state, shall maliciously and advisedly endeavor to seduce any person or persons serving in the forces of the United States or of this state, by land or water, from his or their duty and allegiance, or who shall incite or stir up any such person or persons to commit any act of mutiny, or to desert, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.405.

**Former law:** See section 2 of Act 128 of 1863, being CL 1871, § 7762; How., § 9359; CL 1897, § 11388; CL 1915, § 15106; and CL 1929, § 16639.

#### **750.406 Military stores, larceny, embezzlement or destruction.**

Sec. 406. Larceny, embezzlement or destruction of military stores—Any person who, during any war, rebellion or insurrection against the United States, or against this state, shall wilfully and maliciously embezzle, steal, injure, destroy or secrete any arms or ammunition, or military stores or equipments of the United States, or of this state, or of any officer, soldier or soldiers in the service of the United States, or of this state, or shall wilfully and maliciously destroy, remove or injure any buildings, machinery or material used or intended to be used in the making, repairing or storing of any arms, ammunition, military stores or equipments for the service of the United States, or of this state, whether such buildings, machinery or materials be public or private property, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than 2,500 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.406.

**Former law:** See section 3 of Act 128 of 1863, being CL 1871, § 7763; How., § 9360; CL 1897, § 11389; CL 1915, § 15107; and CL 1929, § 16640.

#### **750.407 Military draft; resisting and inciting resistance.**

Sec. 407. Any person who, during any war, rebellion, or insurrection against the United States, or against this state, shall forcibly resist any military draft ordered by the authority of the United States, or of this state, or shall incite, encourage, or command any other person or persons so to resist such draft, or shall unlawfully and willfully dissuade, discourage, or endeavor to hinder any other person or persons from volunteering, enlisting, or mustering into the military service of the United States, or of this state, or shall forcibly resist, or

attempt to resist, such volunteering, enlisting, or mustering into such service, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.407;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 4 of Act 128 of 1863, being CL 1871, § 7764; How., § 9361; CL 1897, § 11390; CL 1915, § 15108; and CL 1929, § 16641.

#### **750.408 Deserters; concealing or harboring as misdemeanor.**

Sec. 408. Any person who shall conceal or harbor any soldier or volunteer enlisted in the service of the United States, or of this state, knowing him or her to have deserted, and with intent to aid him or her in such desertion, or shall refuse to deliver him or her up to the orders of his or her commanding officer, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.408;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 5 of Act 128 of 1863, being CL 1871, § 7765; How., § 9362; CL 1897, § 11391; CL 1915, § 15109; and CL 1929, § 16642.