

MICHIGAN CODE OF MILITARY JUSTICE OF 1980 (EXCERPT)

Act 523 of 1980

ARTICLE 2

32.1007 Persons authorized to apprehend persons subject to code; fees or charges.

Sec. 7.

(1) A person authorized under the rules issued pursuant to this code to apprehend a person subject to this code, a marshal of a court-martial appointed pursuant to this code, or a law enforcement officer of this state or a political subdivision of this state may apprehend a person subject to this code upon reasonable belief that an offense under this code has been committed and that the person apprehended committed the offense.

(2) Each commissioned officer, warrant officer, and noncommissioned officer is authorized to quell quarrels, frays, or disorders among persons subject to this code and to apprehend persons subject to this code who take part in a quarrel, fray, or disorder.

(3) Except as otherwise specifically provided in this code, a civil law enforcement officer or marshal of a court-martial shall not demand or require payment of a fee or charge of any nature for apprehending or placing in confinement a person subject to this code.

History: 1980, Act 523, Eff. Mar. 31, 1981;—Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005.

Administrative rules: R 32.101 et seq. of the Michigan Administrative Code.

32.1008 Apprehension of person charged with violation by civil law enforcement officer.

Sec. 8. A civil law enforcement officer of this state may apprehend a person charged with the violation of section 85 and deliver the person into the custody of the state military forces.

History: 1980, Act 523, Eff. Mar. 31, 1981;—Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005.

32.1009 "Arrest" defined; arrest by military superior; probable cause; authority to secure custody of alleged offender not limited.

Sec. 9. (1) As used in this section, "arrest" means the restraint of a person by an order not imposed as a punishment for an offense, directing the person to remain within certain specified limits.

(2) An officer or enlisted member of the state military forces accused of an offense in violation of this code may be placed in arrest by his or her military superior.

(3) A person shall not be ordered into arrest or confinement except upon probable cause.

(4) This section does not limit the authority of a person authorized to apprehend an offender of this code to secure the custody of an alleged offender until the proper authority is notified.

History: 1980, Act 523, Eff. Mar. 31, 1981;—Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005.

32.1010 Arrest or confinement; warrant of arrest; service; place of confinement.

Sec. 10. (1) An individual subject to this code and charged with an offense under this code must be ordered into arrest or confinement, as circumstances may require. If the individual is charged only with an offense normally tried by a summary court-martial, the individual shall not ordinarily be placed in confinement.

(2) An arrest or confinement of an individual who fails or refuses to report to the individual's appointed place of duty must be executed pursuant to a warrant issued by the convening authority in a form approved by the adjutant general.

(3) A warrant of arrest must be served by an individual authorized to serve a warrant of arrest in this state or by military personnel designated for that purpose by the commanding officer.

(4) An individual confined under this code must be confined in a place of confinement under the control of the state military forces or in a jail in the county in which the accused resides or in which the individual's unit is located. If none of these locations are feasible, an individual confined under this code may be confined in any county jail in this state.

History: 1980, Act 523, Eff. Mar. 31, 1981;—Am. 2024, Act 77, Imd. Eff. July 8, 2024.

32.1011 Refusal to receive or keep prisoner committed; statement; report to commanding officer of prisoner; taking prisoner from pretrial custody of person other than state military forces; informing prisoner of charges and right to counsel.

Sec. 11. (1) A provost marshal, commander of a guard, warden, keeper, or officer of a place of confinement described in section 10, shall not refuse to receive or keep a prisoner committed to his or her charge when the committing person furnishes a statement, signed by that person, of the offense charged against the prisoner.

(2) Each commander of a guard, warden, keeper, or officer of a place of confinement described in section 10(4), to whose charge a prisoner is committed, not later than 24 hours after that commitment or as soon as he or she is relieved from guard, shall report to the commanding officer of the prisoner, the name of the prisoner, the offense charged against the prisoner, and the name of the person who ordered or authorized the commitment.

(3) If a prisoner is in pretrial custody of a person other than the state military forces, the commanding officer of the prisoner or his or her duly authorized representative, not later than 24 hours after receipt of notice of the confinement, shall take the prisoner from the custody and inform the prisoner of the charges and of the prisoner's right to counsel.

History: 1980, Act 523, Eff. Mar. 31, 1981.

32.1013 Bail.

Sec. 13. (1) Except as provided in section 15 of article I of the state constitution of 1963, a person charged with a violation under this code is entitled to bail.

(2) Before trial, a person is entitled to bail in an amount determined by the military judge.

(3) The amount of bail shall not be excessive, and the military judge shall consider all of the following:

- (a) The nature of the offense charged.
- (b) The past conduct of the accused.
- (c) The financial ability of the accused.

History: 1980, Act 523, Eff. Mar. 31, 1981;—Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005.

32.1014 Trial by court-martial limited to certain violations; delivery of person subject to code to civil authority for trial; conviction in civil tribunal; return to military custody for completion of sentence of court-martial.

Sec. 14. (1) It is the intent of the legislature that trial by court-martial be limited to the violations defined in article 10.

(2) A person subject to this code who is on active state duty and who is accused of a criminal offense against civil authority shall be delivered, upon request, to the civil authority for trial.

(3) If delivery is made to a civil authority of a person undergoing sentence of a court-martial and the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, the offender, after having answered to the civil authorities for the offense and upon the request of competent military authority, shall be returned to military custody for the completion of his or her sentence.

History: 1980, Act 523, Eff. Mar. 31, 1981;—Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005.