

MICHIGAN CODE OF MILITARY JUSTICE OF 1980 (EXCERPT)

Act 523 of 1980

ARTICLE 4

32.1016 Kinds of courts-martial.

Sec. 16. The 3 kinds of courts-martial in the state military forces are:

(a) General courts-martial, consisting of a military judge and not less than 8 members; or only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of the military judge and the military judge approves.

(b) Special courts-martial consisting of a military judge and not less than 4 members; or only a military judge, if the accused under the same conditions as those prescribed in subdivision (a), requests a court composed only of the military judge.

(c) Summary courts-martial, consisting of 1 commissioned officer of field grade rank or above who is certified for that duty by the state staff judge advocate and who is not a member of the accused's unit.

History: 1980, Act 523, Eff. Mar. 31, 1981;—Am. 1990, Act 300, Imd. Eff. Dec. 14, 1990;—Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005;—Am. 2024, Act 77, Imd. Eff. July 8, 2024.

32.1017 Michigan Army National Guard and Michigan Air National Guard; court-martial jurisdiction.

Sec. 17. Subject to this code, the Michigan Army National Guard and Michigan Air National Guard each have court-martial jurisdiction over its members.

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

32.1018 General court-martial; jurisdiction; powers of punishment.

Sec. 18. A general court-martial has jurisdiction to try an individual subject to this code for an offense made punishable by this code and may adjudge any of the following punishments:

- (a) Confinement of not more than 2 years.
- (b) A fine of not more than \$2,500.00 for a single offense.
- (c) Forfeiture of all pay and allowances.
- (d) A reprimand.
- (e) Restitution.
- (f) Dismissal, dishonorable discharge, or bad conduct discharge.
- (g) Reduction of an enlisted member to an inferior grade.
- (h) A combination of the punishments under subdivisions (a) to (g).

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

32.1019 Special court-martial; jurisdiction; powers of punishment.

Sec. 19. (1) A special court-martial has jurisdiction to try an individual subject to this code for an offense for which the individual may be punished under this code. A special court-martial may adjudge the same punishments as a general court-martial except that the special court-martial may not adjudge the punishments of dishonorable discharge, dismissal, confinement for more than 1 year, a fine of more than \$1,000.00, forfeiture of pay exceeding 2/3 pay per month, or forfeiture of pay for more than 1 year.

(2) A bad conduct discharge, a confinement for more than 6 months, or a forfeiture of pay for more than 6 months may not be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone.

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

32.1020 Summary court-martial; jurisdiction; objection by accused; powers of punishment.

Sec. 20. (1) A summary court-martial has jurisdiction to try an individual subject to this code, except an officer or a cadet, for an offense made punishable by this code.

(2) An individual must not be tried by a summary court-martial if, before trial, the individual objects to a summary court-martial. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial, as appropriate.

(3) A summary court-martial may adjudge the same punishments as a general court-martial except that the summary court-martial may not adjudge the punishments of dismissal, dishonorable discharge or bad conduct discharge, confinement for more than 25 days, a fine of more than \$500.00, or forfeiture of more than 2/3 of 1 month's pay.

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

32.1021 Repealed. 2024, Act 77, Imd. Eff. July 8, 2024.

Compiler's note: The repealed section pertained to authority of court-martial to impose confinement instead of a fine.