

MICHIGAN CODE OF MILITARY JUSTICE OF 1980 (EXCERPT)

Act 523 of 1980

ARTICLE 8

32.1055 Cruel or unusual punishment prohibited; use of irons prohibited; exception.

Sec. 55. Punishment by flogging, branding, marking, or tattooing the body or any other cruel or unusual punishment, shall not be issued by a court-martial or inflicted upon a person subject to this code. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

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

32.1056 Punishment and sentence; limits.

Sec. 56. The punishment which a court-martial may direct for an offense shall not exceed the limits prescribed by this code. If a sentence exceeds the limits prescribed by this code, the part of the sentence in excess of the limits shall have no force and effect and the sentence shall automatically be reduced to the limits prescribed by this code and shall not be changed as to form of punishment.

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

32.1057 Sentence; forfeiture of pay or allowances; confinement; effective date; deferring service of sentence to confinement by governor; termination and rescission of deferment.

Sec. 57. (1) If a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances, the forfeiture may apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. A forfeiture shall not extend to pay or allowances accrued before the date of sentence.

(2) A period of confinement included in the sentence of a court-martial begins to run from the date the accused is confined pursuant to the sentence. If a person has been confined before the sentence because the person was unable to furnish a bond for the offense, the court-martial shall specifically grant a credit against the sentence for the amount of time confined before sentencing. A period during which the sentence to confinement is suspended shall not be computed as service of the term of confinement and shall not affect the power of the convening authority to vacate the suspension during the current enlistment of the accused.

(3) Each sentence of a court-martial is effective on the date the sentence is ordered executed.

(4) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under the convening authority's jurisdiction, the governor may defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the officer who granted the deferment or, if the accused is no longer under the officer's jurisdiction, by the governor.

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

32.1058 Sentence of confinement; execution; discipline and treatment to which imprisoned individual subject; omission of words "hard labor" from sentence; duty of keeper or officer in charge of county jail to receive or confine prisoner; proceeds of fines; costs of prosecution.

Sec. 58. (1) A sentence of confinement issued by a court-martial may be carried into execution by confinement in a place allowed by section 10 as designated by the convening authority. An individual confined is subject to the same discipline and treatment as an individual imprisoned by a civil court of this state.

(2) The omission of the words "hard labor" from a sentence of a court-martial adjudging confinement does not deprive the authority executing that sentence of the power to require hard labor as a part of the punishment.

(3) The keeper or officer in charge of a county jail shall receive an individual ordered into confinement before trial by the convening authority and an individual sentenced to confinement by a military court and shall confine the individual according to law. A keeper or officer in charge shall not require payment of a fee or compensation for receiving or confining the prisoner.

(4) The proceeds of all fines in summary, special, and general courts-martial cases must be paid to the general fund of this state. The costs of prosecution must be paid out of the funds appropriated to the office of the adjutant general.

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

32.1058a Court-martial sentence; reduction of pay grade.

Sec. 58a. (1) A court-martial sentence of an enlisted member in a pay grade above E1, as approved by the convening authority, that includes a dishonorable or bad conduct discharge or confinement reduces that member to pay grade E1 effective on the date of that approval.

(2) If the sentence of a member who is reduced in pay grade under subsection (1) is set aside or disapproved, or, as finally approved, does not include any punishment provided in subsection (1), the rights and privileges that the individual was deprived of because of that reduction must be restored, including pay and allowances.

History: Add. 2024, Act 77, Imd. Eff. July 8, 2024.

32.1058b Court-martial sentence; confinement; forfeiture of pay and allowance; waiver.

Sec. 58b. (1) A court-martial sentence described in subsection (4) must result in the forfeiture of pay, or of pay and allowances, due that member during any period of confinement or parole.

(2) A forfeiture under this section takes effect on the date determined under section 57 and may be deferred as provided in that section.

(3) The pay and allowances forfeited, in the case of a general court-martial, must be all pay and allowances due that member during any period of confinement or parole and, in the case of a special court-martial, must be 2/3 of all pay due that member during that period.

(4) A court-martial sentence covered by this section is any sentence that includes either of the following:

(a) Confinement for more than 6 months.

(b) Confinement for 6 months or less and a dishonorable or bad conduct discharge or dismissal.

(5) If an accused has dependents, the convening authority may waive any or all of the forfeitures of pay and allowances required by subsection (1) or (3) for a period of not more than 6 months. Any amount of pay or allowances that, except if waived under this subsection, would be forfeited must be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

(6) If the sentence of a member who forfeits pay and allowances under subsection (1) or (3) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (4), the member must be paid the pay and allowances that the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.

History: Add. 2024, Act 77, Imd. Eff. July 8, 2024.