

## HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                 |
|------------------------|---------------------------|---|
| 893 .....              | 50:687.                   | May 5, 1950, ch. 169, §1 (Art. 93), 64 Stat. 136. |

**§ 894. Art. 94. Mutiny or sedition**

(a) Any person subject to this chapter who—

(1) with intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;

(2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority is guilty of sedition;

(3) fails to do his utmost to prevent and suppress a mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior commissioned officer or commanding officer of a mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished by death or such other punishment as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 68.)

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|------------------------|---------------------------|---|
| 894(a) .....           | 50:688(a).                | May 5, 1950, ch. 169, §1 (Art. 94), 64 Stat. 136. |
| 894(b) .....           | 50:688(b).                |   |

In subsection (a)(1) and (2), the words “or persons” are omitted, since, under section 1 of title 1, words importing the singular may apply to several persons.

In subsection (a)(3), the word “a” is substituted for the words “an offense of”. The words “commissioned officer” are inserted after the word “superior”, for clarity.

**§ 895. Art. 95. Resistance, flight, breach of arrest, and escape**

Any person subject to this chapter who—

- (1) resists apprehension;
- (2) flees from apprehension;
- (3) breaks arrest; or
- (4) escapes from custody or confinement;

shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69; Pub. L. 104-106, div. A, title XI, §1112(a), Feb. 10, 1996, 110 Stat. 461.)

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|------------------------|---------------------------|---|
| 895 .....              | 50:689.                   | May 5, 1950, ch. 169, §1 (Art. 95), 64 Stat. 136. |

## AMENDMENTS

1996—Pub. L. 104-106 inserted “flight,” after “Resistance,” in section catchline and amended text generally. Prior to amendment, text read as follows: “Any person

subject to this chapter who resists apprehension or breaks arrest or who escapes from custody or confinement shall be punished as a court-martial may direct.”

**§ 896. Art. 96. Releasing prisoner without proper authority**

Any person subject to this chapter who, without proper authority, releases any prisoner committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69.)

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| 896 .....              | 50:690.                   | May 5, 1950, ch. 169, §1 (Art. 96), 64 Stat. 136. |

The words “whether or not the prisoner was committed in strict compliance with law” are substituted for the word “duly”, to reflect the long standing construction expressed in the Manual for Courts-Martial, United States, 1951, par. 175a.

**§ 897. Art. 97. Unlawful detention**

Any person subject to this chapter who, except as provided by law, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69.)

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| 897 .....              | 50:691.                   | May 5, 1950, ch. 169, §1 (Art. 97), 64 Stat. 137. |

**§ 898. Art. 98. Noncompliance with procedural rules**

Any person subject to this chapter who—

- (1) is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this chapter; or
- (2) knowingly and intentionally fails to enforce or comply with any provision of this chapter regulating the proceedings before, during, or after trial of an accused;

shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 69.)

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| 898 .....              | 50:692.                   | May 5, 1950, ch. 169, §1 (Art. 98), 64 Stat. 137. |

**§ 899. Art. 99. Misbehavior before the enemy**

Any member of the armed forces who before or in the presence of the enemy—

- (1) runs away;
- (2) shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is his duty to defend;
- (3) through disobedience, neglect, or intentional misconduct endangers the safety of any