

MICHIGAN CODE OF MILITARY JUSTICE OF 1980 (EXCERPT)
Act 523 of 1980

32.1002 Definitions.

Sec. 2.

As used in this act:

(a) "Accuser" means an individual who signs and swears to charges, an individual who directs that charges be signed and sworn to by another, or an individual who has an interest other than an official interest in the prosecution of the accused.

(b) "Active service" means service, active state service, or special duty required by law, regulation, or order of the governor. Active service includes the continuing obligations of active members of the national guard and the defense force by virtue of their commissions, appointments, or enlistments.

(c) "Active state duty" means the actual weekend, annual training, or special call up duty in the state military forces and includes travel to and from the duty site or station.

(d) "Active state service" means military service in support of civil authorities ordered by the governor or as provided by the Michigan military act, 1967 PA 150, MCL 32.501 to 32.851.

(e) "Apprehension" means the taking of an individual into custody.

(f) "Cadet" means an individual who is enrolled in or attending a state military academy, a regional training institute, or any other formal education program for the purpose of becoming a commissioned officer in the state military forces.

(g) "Commanding officer" includes only a commissioned officer.

(h) "Confinement" means the physical restraint of an individual.

(i) "Controlled substance" means opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, marihuana, any compound or derivative of any such substance, and any other substance that is listed in schedules I through V of 21 USC 812, including any subsequent amendments to that act.

(j) "Convening authority" includes either of the following:

(i) The person who convened the court.

(ii) A commissioned officer commanding for the time being or a successor in command to the convening authority.

(k) "Correctional custody" means the physical restraint of an individual during duty or nonduty while on active state duty and includes extra duty, fatigue duty, or hard labor.

(l) "Defense counsel" means a commissioned officer of the state military forces who is a member in good standing of the bar of this state and who is appointed to represent an accused in a proceeding under this code, or a civilian attorney who is a member in good standing of the bar of this state, retained at personal expense of the accused, if the accused elects nonmilitary representation.

(m) "Enlisted member" means an individual in an enlisted grade.

(n) "Extra duty" means a duty in addition to those normally assigned to the individual undergoing the punishment, and includes, but is not limited to, fatigue duty and military duty of any kind.

(o) "Fatigue duty" means labor of a nonmilitary kind, including, but not limited to, cleaning, digging, domestic duty, or other similar types of work.

(p) "Federal service" means military duty in the Armed Forces of the United States, including, without limitation, the Army National Guard of the United States and the Air National Guard of the United States, while subject to the uniform code of military justice, 10 USC 801 to 946a.

(q) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or rule.

(r) "Judge advocate" means a commissioned officer of the state military forces who is a member in good standing of the bar of this state, and is either of the following:

(i) Certified or designated as a judge advocate in the Judge Advocate General's Corps of the Army, Air Force, Navy, or Marine Corps or designated as a law specialist as an officer of the Coast Guard, or a reserve component of the Army, Air Force, Navy, Marine Corps, or Coast Guard.

(ii) Certified as a nonfederally recognized judge advocate, under regulations adopted under this code, by the senior judge advocate of the commander of the force in the state military forces of which the accused is a member, as competent to perform such military justice duties required by this code, or, if no judge advocate described in this subparagraph is available, then that certification may be made by the senior judge advocate of the commander of another force in the state military forces as the convening authority directs.

(s) "Military" includes each component of the Armed Forces of the United States and each component of the state military establishment.

- (t) "Military court" means a court-martial, a court of inquiry, or the military appeals tribunal.
- (u) "Military judge" means an official of a general or special court-martial detailed in accordance with section 26.
- (v) "Minor offense" means an offense under a punitive section of this code that a commanding officer considers minor.
- (w) "Officer" means a commissioned or warrant officer.
- (x) "Special victims' counsel" means a judge advocate designated as a special victims' counsel under 10 USC 1044e.
- (y) "Staff judge advocate" means the commissioned officer responsible for supervising the administration of military justice within a command.
- (z) "State staff judge advocate" means the commissioned officer responsible for supervising the administration of military justice in the state military forces.
- (aa) "State military forces" means the national guard of this state, as that term is defined in 32 USC 101(3), and any other components of the state military establishment organized under the laws of this state.
- (bb) "Summary court officer" means an official appointed pursuant to section 16(c) who is authorized to serve warrants.
- (cc) "Superior commissioned officer" means a commissioned officer superior in rank or command.
- (dd) "Unit" means a regularly organized body of the military.
- (ee) "Victim of an offense under this code" means an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this code, or any other individual defined as a victim under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

History: 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2005, Act 186, Imd. Eff. Oct. 27, 2005 ;-- Am. 2024, Act 77, Imd. Eff. July 8, 2024