Chapter 32
MILITARY ESTABLISHMENT

MILITARY ESTABLISHMENT

Act 84 of 1909

AN ACT to increase the efficiency of the military establishment of the state of Michigan, to make an appropriation therefor, and to repeal all former acts or parts of acts inconsistent with the provisions of this act.

History: 1909, Act 84, Imd. Eff. May 12, 1909

The People of the State of Michigan enact:

32.1-32.33 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to the state military establishments.

32.34 Repealed. 1957, Act 297, Eff. Sept. 27, 1957.

Compiler's Notes: The repealed section pertained to discharge of military officers for unfitness.

32.35 Michigan national guard retired officers list.

Sec. 35.

All officers who shall have served in the Michigan national guard, may, upon their honorable retirement from active service, whether on their own application or otherwise, be carried upon a roll maintained in the office of the adjutant general of the state, designated the list of retired officers of the Michigan national guard.

History: 1909, Act 84, Imd. Eff. May 12, 1909 ;-- CL 1915, 910 ;-- Am. 1917, Act 53, Imd. Eff. Apr. 17, 1917 ;-- CL 1929, 665 ;-- CL 1948, 32.35

32.36-32.41 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.42 Repealed. 1957, Act 297, Eff. Sept. 27, 1957.

Compiler's Notes: The repealed section pertained to neglect of duty by officers and enlisted men.

32.43-32.45a Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.45b Repealed. 1970, Act 164, Imd. Eff. Aug. 2, 1970.

Compiler's Notes: The repealed section provided for quarters, awards and subsistence of militia on active duty.

32.45c-32.48 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.49 National guard; retirement compensation; temporary service, compensation.

Sec. 49.

Notwithstanding any other provisions of this act any officer of the national guard, including also the adjutant general of the state, who shall have completed not less than 15 years service and who is not less than 64 years of age and who is or has been on actual state duty for not less than 10 years, may be retired with annual pay equal to the product of 2 and 1/2 per centum of the active service annual pay to which entitled at the time of his retirement multiplied by a number equal to the years of his active service, not in excess of 30 years: Provided, That the number of years of service to be credited in computing the right to retirement pay shall include all service for or hereafter credited for active duty pay purposes: Provided, That any fractional part of a year amounting to 6 months or more to be counted as a complete year: And provided further, That any officer retired before the completion of 30 years commissioned service may be employed on such active duty as he may be capable of performing until he has completed 30 years commissioned service or reached 64 years of age. Any other officer who shall have completed not less than 15 years service and who is not less than 64 years of age may be retired with annual pay of 480 dollars. Any such officer, when retired under the provisions hereof, shall be eligible for detail to any court constituted under orders of the governor, and for any other specific temporary duty not involving the command of troops, or in an advisory capacity, for periods of not to exceed 15 days without his consent, upon orders of the governor, with pay and allowances of his rank when retired, in any case: Provided, That his retired pay and allowances shall stand suspended during such time as he shall be serving on such actual duty. Any enlisted man who shall have completed not less than 15 years service and who is not less than 64 years of age may be retired with annual pay of 180 dollars.

History: Add. 1937, Act 239, Imd. Eff. July 21, 1937 ;-- CL 1948, 32.49
Compiler's Notes: Section 2 of Act 231 of 1947 provides: “The provisions of this amendatory act shall not be deemed nor construed as being applicable to, nor as affecting, any officer, warrant officer or enlisted man, including also any adjutant general, heretofore retired or re-retired with retirement pay under the provisions of section 49 of this act.”
Former Law: See Act 157 of 1915.

32.49a National guard; retirement age, physical disqualification, eligibility for re-commission.

Sec. 49a.

The normal age for retirement of officers, warrant officers and enlisted men shall be age 64. Whenever, however, by reason of any federal law, or rule or regulation made pursuant to

such law, and applicable to the national guard of Michigan, any officer thereof, including also the adjutant general, shall be determined to be ineligible for further federal recognition as an officer in his then rank or grade or next higher rank or grade by reason of his age, and his commission in the national guard of the United States is terminated, such officer may be placed on the retired list of officers of the Michigan national guard under the same conditions and with like effect as prescribed in section 35 of this act.

Any officer of the Michigan national guard, including also the adjutant general, who, by reason of physical disqualification for further commissioned service, shall have his federal recognition withdrawn and his commission in the national guard of the United States terminated, may be placed on the retired list of officers of the Michigan national guard, under the same conditions and with like effect as prescribed in section 35 of this act.

In the event of any change of physical condition or by reason of any change of federal law, rule or regulation, any such officer so retired shall thereafter again become eligible for a commission in the national guard of Michigan and for federal recognition as such, and shall be again commissioned in the Michigan national guard, his name shall be removed from such retired list without prejudice to him: Provided, however, That any officer of the Michigan national guard, either active or retired, being found or becoming eligible for a commission in the same or higher rank in the Michigan national guard or the national guard of the United States, who, without good cause, declines to accept such commission when tendered to him, shall not thereafter be placed, or retained, on the list of retired officers of the Michigan national guard.

History: Add. 1947, Act 231, Eff. Oct. 11, 1947 ;-- CL 1948, 32.49a
Compiler's Notes: Section 2 of Act 231 of 1947 provides: “The provisions of this amendatory act shall not be deemed nor construed as being applicable to nor as affecting any officer, warrant officer, or enlisted man, including also any adjutant general, heretofore retired or re-retired with retirement pay under the provisions of section 49 of this act.”

32.49b National guard; officers' retirement pay; application for retirement to retirement boards, findings.

Sec. 49b.

Officers hereafter retired under the provisions of section 49a of this act who, prior to such retirement, shall have had not less than 20 years active service in the Michigan national guard including not less than 10 years commissioned service, and who shall also have had not less than 10 years of actual duty service as defined in this act, shall, upon reaching age 60 or over age 60 and under age 64, be entitled to and shall be paid retirement pay upon the same basis as is prescribed for officers' retirement pay under the provisions of section 49 of this act, so long as they remain eligible to continue to be enrolled on such retired list: Provided, That any other officer retired under the provisions of section 49a, having not less than 20 years service, including not less than 10 years commissioned service, shall, upon reaching age 60, be paid retired pay of $480.00 a year. All officers so retired shall be subject and liable to the same regulations and conditions of temporary or other military service of the state as apply to officers retired under sections 35 and 49 and other pertinent provisions of this act.

Applications for retirement under section 49a and this section shall be referred to special retirement boards of officers detailed by order of the governor, and shall consist of not less than 3 officers and not more than 5 officers, and, if practical, senior in rank to the officer applying for or subject to retirement. Such retirement boards shall perform the same duties with relation to such retirement as are performed by similar boards appointed or detailed under

the regulations of the regular army of the United States. The findings and recommendations of such retirement boards shall be subject to the approval of the governor in each case.

The retirement or re-retirement of officers, warrant officers and enlisted men of the Michigan national guard, because of reaching age 64, shall continue to be effected under the provisions of section 49 of this act.

History: Add. 1947, Act 231, Eff. Oct. 11, 1947 ;-- CL 1948, 32.49b
Compiler's Notes: Section 2 of Act 231 of 1947 provides: "The provisions of this amendatory act shall not be deemed nor construed as being applicable to nor as affecting any officer, warrant officer, or enlisted man, including also any adjutant general, heretofore retired or re-retired with retirement pay under the provisions of section 49 of this act."

32.49c Retirement pay or pension of military disability or service; evidence of amount, deduction.

Sec. 49c.

Evidence of the amount of retirement pay or pension provided by the laws of the United States for military disability or military service shall be required before any retired officer of this state, with more than 10 years of actual state duty, shall be paid under the provisions of section 49 or 49b of this act. The amount so evidenced shall be deducted when computing the sum to which the said officer shall be paid by this state: Provided, That this deduction does not operate to deprive any retired officer of a combined total of federal and state retirement pay equal to the provisions of said sections 49 and 49b.

History: Add. 1952, Act 134, Eff. Sept. 18, 1952

32.49d Retirement pay; death of retired officer or enlisted person; benefits to which surviving spouse entitled; "surviving spouse" defined.

Sec. 49d.

(1) If an officer or enlisted person who, prior to the effective date of this section, has retired under section 49 and has served not less than 20 years of full-time employment on actual state duty in support of the full-time operation of the state military establishment, dies and leaves a surviving spouse, the surviving spouse shall be entitled to 50% of the retirement pay which the officer or enlisted person was receiving prior to his or her death. The surviving spouse shall receive the benefit provided in this section until his or her death.

(2) "Surviving spouse" means, for purposes of this section, a person to whom an officer or enlisted person was married at the time of his or her death.

History: Add. 1982, Act 60, Imd. Eff. Apr. 6, 1982

32.50-32.53 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.54-32.60 Repealed. 1957, Act 297, Eff. Sept. 27, 1957.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.61-32.66 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

32.67 Repealed. 1957, Act 214, Imd. Eff. June 6, 1957.

Compiler's Notes: The repealed section pertained to maximum expenditure by the state for an armory.

32.68-32.85 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed sections pertained to state military establishment.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1997-7

32.91 Renaming of department of military affairs as department of military and veterans affairs.

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Department of Military Affairs was created by Act No. 380 of the Public Acts of 1965, as amended, being Section 16.225 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Department of Military Affairs, in addition to its traditional mission of administering the Michigan National Guard, is responsible for all state programs supporting veterans' services; and

WHEREAS, the Director of the Department of Military Affairs administers the Grand Rapids Home for Veterans, the D.J. Jacobetti Home for Veterans Trust Fund and grants to veterans service organizations from the State of Michigan; and

WHEREAS, it is important to recognize that the Department of Military Affairs has dual missions of being prepared for active service and supporting and maintaining veterans services.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, and in recognition of the Department's dual missions of readiness and veterans' services, do hereby order the following:

The Department of Military Affairs is hereby renamed the Department of Military and Veterans Affairs.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

History: 1997, E.R.O. No. 1997-7, Eff. June 17, 1997

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2013-2

32.92 Creation of Michigan veterans affairs agency within department of military and veterans affairs; administration of veterans speakers program; transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers from department of military and veterans affairs to agency.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, there is a continued need to increase collaboration, optimize service delivery and ensure efficient administration; and

WHEREAS, Michigan's citizens include more than 650,000 veterans of the armed forces, making the state home to the 11th largest population of veterans among the states; and

WHEREAS, veterans have unique needs and an array of specific services and benefits are available to them; and

WHEREAS, veterans require dedicated strategic outreach, collaboration between many departments and partners at the federal, state and local level; and

WHEREAS, Michigan's current service delivery model is not structured to provide coordinated, high-quality services to help veterans recognize and access the benefits and services for which they are eligible; and

WHEREAS, such high-quality services can be best provided if a single entity coordinates the many efforts the state of Michigan makes to serve this population;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Agency" means the Michigan Veterans Affairs Agency created under Section II of this order.

B. "Department of Military and Veterans Affairs" means the principal department of state government created as the Department of Military Affairs by 1965 P.A. 380, MCL 16.225, and renamed the Department of Military and Veterans Affairs by Executive Order 1997-7, MCL 32.91.

C. "Director" means the director of the Michigan Veterans Affairs Agency created by Section II of this Order.

II. CREATION OF THE MICHIGAN VETERANS AFFAIRS AGENCY

A. The Michigan Veterans Affairs Agency is created as an agency within the Department of Military and Veterans Affairs.

B. The Agency shall be headed by a Director who shall be appointed by the Governor and serve at the pleasure of the Governor.

C. The Director shall be the chief advisor to the Governor, the Adjutant General and the directors of state departments regarding the development of policies, programs and procedures for services to veterans.

D. The Director shall report to the head of the Department of Military and Veterans Affairs.

E. The Director shall be a member of the Executive Cabinet and regularly attend and fully participate in Cabinet meetings and functions.

III. FUNCTIONS OF THE VETERANS AFFAIRS AGENCY

A. The Agency shall perform the following functions:

i. Review, investigate, evaluate, and assess all programs within the executive branch of government related to services and benefits for veterans, including but not limited to programs involving health care, education, employment assistance, and quality of life.

ii. Serve as the coordinating office for all agencies of the executive branch of government that are responsible for programs related to services for veterans.

iii. Analyze and make recommendations to the Governor on proposed programs and policies relating to veterans, and on the elimination of duplication in existing state programs in these areas.

iv. Provide information and assistance to all departments and agencies of the executive branch of government, both directly and by functioning as a clearinghouse for information received from such agencies, other branches of government, other states, and the federal government.

v. Serve as the Governor's liaison with the Secretary of State, the Michigan Economic Development Corporation, the Michigan Strategic Fund, and with all other departments and agencies of the executive branch of government with respect to programs, services, or benefits for veterans.

vi. The Agency may request advice and assistance to re-engineer business processes and establish inter-agency and intra-agency data sharing requirements, policies, procedures and standards to improve services to veterans in Michigan. All executive branch departments and agencies shall cooperate fully with the new Agency in the performance of these responsibilities.

vii. The Agency may make and execute contracts and other instruments necessary or convenient to the proper exercise of its functions.

B. The Agency shall administer the Veterans Speakers Program created under the Veterans Speakers Program Act, 2000 P.A. 81, MCL 32.281 to 283. The powers, duties, functions, responsibilities, records, and personnel necessary for such administration shall be transferred to the Agency from the Department of Military and Veterans Affairs.

C. The Department shall transfer to the Agency all duties, responsibilities, and powers to provide assistance to the State Veterans Home Board of Managers in the administration of all facilities governed by the Michigan Veterans' Facility Act, 1885 PA 152, MCL Section 36.1 to 12, including but not limited to the Grand Rapids Veterans Home and the D.J. Jacobetti Veterans Home. The powers, duties, functions, responsibilities, records, and personnel necessary for such administration shall be transferred to the Agency from the Department of Military and Veterans Affairs.

V. IMPLEMENTATION OF TRANSFERS

A. The Director shall provide executive direction and supervision for the implementation of all transfers of authority under this Order in consultation with the head of the Department of Military and Veterans Affairs.

B. The Director shall establish the internal organization of the Agency and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the Agency. The Director shall be responsible for the day-to-day operations of the Agency.

VI. MISCELLANEOUS

A. All records, personnel, and property used, held, employed, or to be made available to the Department of Military and Veterans Affairs for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Agency.

B. All rules, orders, contracts, plans, and agreements relating to the functions transferred to the Agency by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or rescinded.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective March 20, 2013.

History: 2013, E.R.O. No. 2013-2, Eff. Mar. 20, 2013
Compiler's Notes: Executive Reorganization Order No. 2013-2 was promulgated January 18, 2013 as Executive Order No. 2013-2, Eff. Mar. 20, 2013.

NATIONAL EMERGENCY; DUTIES OF ADJUTANT GENERAL

Act 270 of 1939

AN ACT with respect to the activities of the national guard in cases of national emergency; and to prescribe the powers and duties of the adjutant general with respect thereto.

History: 1939, Act 270, Eff. Sept. 29, 1939

The People of the State of Michigan enact:

32.101 Adjutant general; responsibilities in national emergency.

Sec. 1.

When a national emergency shall require the service of citizens of this state in the armed forces of the United States, the adjutant general of Michigan shall, in addition to his other duties, be directly responsible to the secretary of war of the United States for each of the following activities:

(1) The mobilization of the Michigan national guard and the Michigan naval force for federal service;

(2) The execution of a plan, in cooperation with competent federal authority, for volunteer recruiting within this state;

(3) The execution of a plan, in cooperation with competent federal authority, for the operation of a system of selective service within this state when, and if, the congress of the United States shall enact a statute for the same.

History: 1939, Act 270, Eff. Sept. 29, 1939 ;-- CL 1948, 32.101

32.102 Adjutant general; preparation for national emergency in peacetime, approval, effect.

Sec. 2.

In time of peace, the adjutant general of Michigan shall anticipate such contingencies and shall prepare detailed plans for the effectuation of each of the same. These plans, after having the approval of the war department, shall be submitted to the governor of Michigan and when approved by the governor of Michigan shall have the full force and effect of law.

History: 1939, Act 270, Eff. Sept. 29, 1939 ;-- CL 1948, 32.102

MILITARY COURTS

Act 311 of 1913

32.111-32.116 Repealed. 1957, Act 297, Eff. Sept. 27, 1957.

DISBURSER OF UNITED STATES FUNDS FOR MILITIA

Act 198 of 1909

32.121 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

COMPENSATION OF ENLISTED MEN AND OFFICERS

Act 70 of 1917

32.131,32.132 Repealed. 1953, Act 140, Imd. Eff. May 29, 1953.

EQUIPMENT ALLOWANCE

Act 237 of 1909

32.141 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

DISABILITY ALLOWANCE

Act 174 of 1909

32.151-32.153 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

INTERURBAN AND STREET CAR PRIVILEGES

Act 199 of 1909

32.161,32.162 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.

ARMORY BUILDING FUND

Act 200 of 1909

32.171 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

EASEMENTS; ARMORY OF 182ND FIELD ARTILLERY

Act 37 of 1943

AN ACT authorizing the state military board, or in its absence the state administrative board, to enter into an agreement relating to the boundary line, party walls, and sidetrack easements affecting the armory of the 182nd field artillery.

History: 1943, Act 37, Eff. July 30, 1943

The People of the State of Michigan enact:

32.181 Armory of 182nd field artillery; authority of state military board as to boundaries, buildings erected, rights of parties.

Sec. 1.

The state military board shall have authority on behalf of the state of Michigan to enter into an agreement with the record owner or owners of the parcel of property adjoining on the west the parcel of property at the northwest corner of Brush and Piquette streets in the city of Detroit now owned by the state of Michigan and known as the 182nd field artillery armory. Such agreement may define the boundary line between said parcels of property to accord with the occupancy thereof and the buildings erected thereon; may establish the rights and responsibilities of the parties thereto in the walls of said buildings and in the walls between said buildings; and may establish the rights of the parties thereto in the sidetrack easements crossing the northerly part of the armory property.

History: 1943, Act 37, Eff. July 30, 1943 ;-- CL 1948, 32.181

32.182 Armory of 182nd field artillery; authority of state administrative board in absence of military board.

Sec. 2.

During the absence from state jurisdiction of the state military board or a quorum of the same under call or order of the president of the United States, the state administrative board, with the governor as chairman thereof, may exercise the authority herein granted.

History: 1943, Act 37, Eff. July 30, 1943 ;-- CL 1948, 32.182

ERECTION OF ARMORIES

Act 7 of 1912 (2nd Ex. Sess.)

32.191-32.195 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

RENTAL OF ARMORIES

Act 6 of 1899

32.201 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

EXCHANGE OF ARMORY SITES

Act 250 of 1915

32.211,32.212 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

CRAWFORD COUNTY LAND

Act 172 of 1913

AN ACT authorizing the acceptance by the state of a certain tract of land in Crawford county on certain conditions; providing for its control and management when so accepted; authorizing the leasing of a certain tract of that land upon certain conditions; making an appropriation for the purpose of making improvements thereon; and providing for payments in lieu of taxes on certain state lands in the counties of Crawford, Kalkaska and Otsego.

History: 1913, Act 172, Imd. Eff. May 2, 1913 ;-- Am. 1955, Act 229, Eff. Oct. 14, 1955 ;-- Am. 1976, Act 192, Imd. Eff. July 8, 1976

The People of the State of Michigan enact:

32.221 Crawford county land; Michigan state military board authority to accept certain lands for state.

Sec. 1.

The military board of the state of Michigan is hereby authorized and empowered to accept from the owner or owners thereof, for and in behalf of the state of Michigan, all those certain pieces or parcels of lands situated in Crawford county in this state, described in section 2 of this act, by deed of gift, in fee simple, free from lien of taxes or other encumbrances, upon the conditions and for the purposes prescribed in section 3 hereof.

History: 1913, Act 172, Imd. Eff. May 2, 1913 ;-- CL 1915, 989 ;-- CL 1929, 751 ;-- CL 1948, 32.221

32.222 Crawford county land to be given to state; description.

Sec. 2.

The lands mentioned in section 1 hereof are described as follows, to-wit: The east 1/2 of the northeast 1/4 of section 2; east 1/2 of northwest 1/4 of section 2; northwest 1/4 of northwest 1/4 of section 2; west 1/2 of southwest 1/4 of section 2; southeast 1/4 of the southwest 1/4 of section 2; north 1/2 of the southeast 1/4 of section 2; entire section 3; east 1/2 of section 4; southwest 1/4 of section 4; south 1/2 of the northwest 1/4 of section 4; northwest 1/4 of northwest 1/4 of section 4; entire section 5; east 1/2 of southeast 1/4 of section 6; southwest 1/4 of southeast 1/4 of section 6; south 1/2 of northeast 1/4 of section 6; northwest 1/4 of northeast 1/4 of section 6; northeast 1/4 of northwest 1/4 of section 6; east 1/2 of section 7; southwest 1/4 of section 7; southeast 1/4 of northwest 1/4 of section 7; northwest 1/4 of the northwest 1/4 of section 7; northwest 1/4 of section 8; west 1/2 of southwest 1/4 of section 8; southeast 1/4 of southwest 1/4 of section 8; lot 1 of section 8; lot 3 of section 8; northeast 1/4 of section 10; northeast 1/4 of southeast 1/4 of section 10; southeast 1/4 of section 11; north 1/2 of southwest 1/4 of section 11; northwest 1/4 of section 11; west 1/2 of northeast 1/4 of section 11; east 1/2 of section 14; southwest 1/4 of section 14; north 1/2 of northwest 1/4 of section 14; lot 1 section 16; lot 2 section 16; lot 3 section 16; lot 4 section 16; southwest 1/4 of southeast 1/4 of section 16; south 1/2 of southwest 1/4 of section 16; south 1/2 of southeast 1/4 of section 17; lot 1 section 17; lot 2 section 17; south 1/2 of southwest 1/4 of section 17; northeast 1/4 of southwest 1/4 of section 17; west 1/2 of northeast 1/4 of section 18; northeast 1/4 of northeast 1/4 of section 18; east 1/2 of northwest 1/4 of section 18; northwest 1/4 of northwest 1/4 of section 18; entire section 19; entire section 20; west 1/2 of section 21; lot 1 section 21; lot 2 section 21; lot 3 section 21; lot 4 section 21; lot 4 section 22; south 1/2 of southeast 1/4 section 22; northeast 1/4 of southeast 1/4 of section 22; entire section 23; west 1/2 of section 24; southeast 1/4 of section 24; entire section 25; west 1/2 of section 26; southeast 1/4 of section 26; east 1/2 of northeast 1/4 of section 26; northwest 1/4 of northeast 1/4 of section 26; entire section 27; west 1/2 of section 28; southeast 1/4 of section 28; south 1/2 of northeast 1/4 of section 28; west 1/2 of section 29; southeast 1/4 of section 29; north 1/2 of northeast 1/4 of section 29; east 1/2 of northeast 1/4 of section 30; southwest 1/4 of northeast 1/4 of section 30; northwest 1/4 of southwest 1/4 of section 30; east 1/2 of section 31; east 1/2 of west 1/2 of section 31; northwest 1/4 of northwest 1/4 of section 31; north 1/2 of southwest 1/4 of northwest 1/4 of section 31; entire section 32; west 1/2 of section 33; north 1/2 of southeast 1/4 of section 33; southwest 1/4 of southeast 1/4 of section 33; northeast 1/4 of section 34; east 1/2 of northwest 1/4 of section 34; northwest 1/4 of northwest 1/4 of section 34; north 1/2 of southeast 1/4 of section 34; north 1/2 of northwest 1/4 of section 35; north 1/2 of northeast 1/2 of section 35; southeast 1/4 of northeast 1/4 of section 35, all in town 26

north, range 4 west, in the county of Crawford, state of Michigan, together with such land in said county suitable for the purposes of this act as may be acquired by the donor or donors of said property.

History: 1913, Act 172, Imd. Eff. May 2, 1913 ;-- CL 1915, 990 ;-- CL 1929, 752 ;-- CL 1948, 32.222

32.223 Crawford county land; uses, abandonment, reversion to donors, removal of buildings, timber rights.

Sec. 3.

The said tract of land shall be used for the following purposes:

First, As a permanent encampment and maneuvering ground for the militia of this state;

Second, As a game preserve for the breeding and protection of game;

Third, As a forest reserve;

Fourth, For the establishment of fresh air camps, or for other recreational or health giving purposes by any state institution, county, city, village or township.

In case the said tract of land shall be abandoned as a permanent encampment and maneuvering ground for the state militia, the land shall revert to the donor or donors in fee simple, but in case of such reversion, the state shall have the right to take and remove therefrom, any building or other state property that may have been constructed or placed thereon by it, or to sell the same as may be deemed advisable by the board or body having control thereof. The state shall not be deemed to have abandoned said lands or any part thereof by reason of holding any encampment of the said militia at any other place within or without the state when the assembling of such militia elsewhere has been ordered by the President of the United States, the war department or other federal authority having jurisdiction of such forces, or when the safety or the health or lives in the state militia might be prejudiced or endangered by reason of the prevalence of disease or fire in or near said county of Crawford. No abandonment shall be deemed to be complete, unless the proper military authority of the state in time of peace shall have refused or failed for 5 successive years to hold a camp of instruction on said tract of land. As a further condition in the acceptance of the gift of said tract of land, the donor or donors thereof shall be permitted to cut and remove from said land all merchantable timber for and during the period of 5 years next after the execution and delivery of the deed conveying said lands to the state of Michigan. All other timber on said lands shall be the property of and be protected by the state. Nothing herein shall be construed as prohibiting the cutting, removal and use of so much of said timber as may be necessary for military purposes, and in the protection of game or in the bettering of forestry on said lands.

History: 1913, Act 172, Imd. Eff. May 2, 1913 ;-- CL 1915, 991 ;-- Am. 1919, Act 373, Imd. Eff. May 13, 1919 ;-- CL 1929, 753 ;-- CL 1948, 32.223

32.223a Camp Grayling facilities; lease by military board, public use.

Sec. 3a.

The state military board may enter into a long term lease with a Michigan corporation for approximately 1200 acres of land at Camp Grayling, under which said corporation will agree to provide reasonable housing and other facilities to train military personnel in skiing and winter warfare. The state military board may agree in any such lease to pay a reasonable rental during the period of use of such facilities by military personnel, within appropriations available to the state military board. When said facilities are not being used by the military

personnel, then said facilities shall be available to the general public at reasonable rates. All documents shall be examined by the attorney general both as to form and content.

History: Add. 1965, Act 336, Imd. Eff. July 23, 1965

32.223b Grayling recreation authority; lease of property by military board; description; examination of documents; sublease; use; limitations; termination of leases under MCL 32.223a.

Sec. 3b.

(1) The state military board created by section 360 of Act No. 150 of the Public Acts of 1967, being section 32.760 of the Michigan Compiled Laws, may enter into a long term lease with the Grayling recreation authority, consisting of the city of Grayling, the township of Grayling, and the Crawford-Au Sable school district, and established and operating pursuant to Act No. 156 of the Public Acts of 1917, being sections 123.51 to 123.54 of the Michigan Compiled Laws, for 400 acres of land located in section 14, T26N, R4W, Grayling township in the county of Crawford, state of Michigan. All documents relative to the lease shall be examined by the attorney general both as to form and content.

(2) The Grayling recreation authority may sublease the property only after approval by the state military board and the attorney general. The Grayling recreation authority shall at all times make the tract of land available for use as a permanent encampment and a maneuvering ground for the militia of this state. The limitations contained in this subsection shall be stated in the lease agreement.

(3) Before a lease may be entered into under this section, all leases entered into under section 3a to a Michigan corporation upon approximately 1,200 acres of land shall be terminated.

History: Add 1976, Act 192, Imd. Eff. July 8, 1976

32.224 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

Compiler's Notes: The repealed section provided limited control over certain lands by the quartermaster general.

32.224a Camp Grayling; authority of military board as to highways leading to reservation.

Sec. 4a.

The military board is hereby authorized to enter into an agreement or agreements with the township board of the township of Grayling in said county of Crawford, for the construction or repair of the public highways leading into and through the reservation, or to take over from said township any highway approaching or running through the reservation after its construction and repair by the said township, for such consideration as may be agreed upon between the military board and the township board. The military board may alter, straighten, or lay out highways within said reservation and improve such highways, using therefor any moneys to the credit of the military fund not otherwise required for military purposes.

History: Add. 1915, Act 102, Imd. Eff. Apr. 28, 1915 ;-- CL 1915, 993 ;-- CL 1929, 755 ;-- CL 1948, 32.224a

32.224b Crawford county; lease of dwellings by military board for military personnel.

Sec. 4b.

In carrying out the intent of section 4 relative to the military board providing suitable lodges or dwellings thereon for the use of such persons or officials as may be necessary in the enforcement of the general land, game, military or forestry laws of the state on the lands, and in carrying out the provisions of section 3 relative to the uses for which the tract of land shall be used, the military board may enter into a lease, not to exceed 25 years, with any private group or organization which will agree to provide suitable lodges or dwellings thereon for the use of such persons or officials and their families as may be necessary. When not in use by such persons or officials, such suitable lodges or dwellings and the equipment, fixtures, devices and contrivances now located on such lands or placed on such lands are to be for the benefit and use of the general public.

History: Add. 1965, Act 336, Imd. Eff. July 23, 1965

32.224c Jurisdiction of department of natural resources; prohibitions; fishing by Camp Grayling military personnel in Lake Margrethe; penalty.

Sec. 4c.

The department of natural resources has jurisdiction of the wildlife, fish, fire, and forestry interests on the lands and waters. The hunting, killing, or molestation of wildlife is prohibited. Military personnel encamped at Camp Grayling may take fish from Lake Margrethe without a license, subject to other laws pertaining to the taking of fish from Lake Margrethe. A person violating this section is guilty of a misdemeanor.

History: Add. 1973, Act 29, Imd. Eff. June 14, 1973
Compiler's Notes: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

32.225 Crawford county land; examination and certification of title by attorney general.

Sec. 5.

The attorney general or such of his assistants as he may designate therefor, shall examine the title to all of said lands, and the deed thereto from the donor to the state, and such deed shall not be accepted without the certificate of the attorney general or his duly authorized assistant, that such title has been examined and that the conveyance is sufficient to vest in the state a good and sufficient title thereto free from liens or incumbrances.

History: 1913, Act 172, Imd. Eff. May 2, 1913 ;-- CL 1915, 994 ;-- CL 1929, 756 ;-- CL 1948, 32.225

32.226 Military lands; payments in lieu of taxes on certain state lands; allocating, distributing, and accounting for payments; payments to be made from appropriations; list of lands.

Sec. 6.

Notwithstanding any provision of law to the contrary, the tract of land acquired by this act for the purpose of a permanent encampment and maneuvering ground for the militia of this state and all other land in Crawford, Kalkaska and Otsego counties now or hereafter owned by the state and controlled by the state military board shall not be subject to taxation, but the state, in lieu of taxes, shall pay an annual amount equal to $1.00 an acre for each acre or major fraction of an acre. The payment in lieu of taxes of this amount shall be paid annually in December to the treasurers of the respective townships, villages, and cities in the counties of Crawford, Kalkaska, and Otsego according to the number of acres of that land in the respective counties and the respective treasurers shall allocate, distribute, and account for the payments in the same manner and in the same proportions as the tax millage for that year has been allocated by the county tax allocation board. Payment of the amounts shall be made from appropriations made by the legislature for the operation of the military establishment and the officer having control and management of those lands under section 4 of this act shall cause to be prepared annually in the month of November and delivered to the respective treasurers of the townships, villages, and cities in those counties entitled to payments under this section a complete list of all lands in the several townships, villages, and cities and the acreage therein upon which payment is to be made pursuant to this section. A copy of the lists shall be furnished to the county treasurer.

History: Add. 1954, Act 118, Eff. Aug. 13, 1954 ;-- Am. 1955, Act 229, Eff. Oct. 14, 1955 ;-- Am. 1986, Act 309, Imd. Eff. Dec. 23, 1986
Former Law: See Act 172 of 1913, which was repealed by Act 267 of 1945.

HANSON MILITARY RESERVATION

Act 287 of 1919

AN ACT to authorize the use of the Hanson Military Reservation by the state, or any municipal subdivision thereof, as a recreational ground; to regulate such use, and to provide an appropriation.

History: 1919, Act 287, Imd. Eff. May 13, 1919

The People of the State of Michigan enact:

32.231 Hanson Military Reservation; recreational use by public, management.

Sec. 1.

The grounds known and designated as the Hanson Military Reservation may hereafter be used by the state, or any municipal subdivision thereof, for recreational purposes, the establishment of fresh air camps, and such other purposes of a recreational or health giving nature as may be incident thereto: Provided, however, That such use shall at no times interfere with the use of said grounds by the military establishment of the state, and no tubercular or venereal patients shall be permitted to use said grounds: And Provided further, That the quartermaster general shall have control and management of said lands, under the supervision of the state military board as provided by law.

History: 1919, Act 287, Imd. Eff. May 13, 1919 ;-- CL 1929, 758 ;-- CL 1948, 32.231

32.232 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's Notes: The repealed section pertained to use of Hanson Military Reservation.

32.233 Hanson Reservation; fresh air camps; erection of buildings.

Sec. 3.

Any state institution, or any city, village, township or county desiring to establish fresh air camps or to use such grounds for any other recreational or health giving purpose, may by making application to said board, be assigned space on said grounds for such purpose: Provided, however, That no camps, lodges, cottages or other buildings shall be erected thereon without permission for such erection being granted by the state military board.

History: 1919, Act 287, Imd. Eff. May 13, 1919 ;-- CL 1929, 760 ;-- CL 1948, 32.233

32.234 Hanson Reservation; water, lights furnished by state.

Sec. 4.

Whenever any space has been so allotted to any state institution, or to any county, city, village or township, it shall be the duty of the military board to see that a proper water supply is furnished the location so allotted; also, to properly light the same.

History: 1919, Act 287, Imd. Eff. May 13, 1919 ;-- CL 1929, 761 ;-- CL 1948, 32.234

32.235 Hanson Reservation; expenses of camps; available military stores.

Sec. 5.

All expense connected with the establishment of the camp, or other recreational or health giving purpose, shall be borne by the institution or municipality establishing the same: Provided, however, That the state military board in its discretion may place at the disposal of such institution or municipality any available buildings, tentage or other military stores owned by the state and in the possession of such board.

History: 1919, Act 287, Imd. Eff. May 13, 1919 ;-- CL 1929, 762 ;-- CL 1948, 32.235

32.236 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's Notes: The repealed section pertained to an appropriation for expenses.

HANSON MILITARY RESERVATION

Act 28 of 1934 (1st Ex. Sess.)

AN ACT authorizing the director of conservation to transfer certain lands to the state military board to become a part of the Hanson military reservation; and to provide for their control and disposition.

History: 1934, 1st Ex. Sess., Act 28, Imd. Eff. Mar. 28, 1934

The People of the State of Michigan enact:

32.241 Hanson Reservation; transfer of lands and hunting, oil, and mineral rights to state military board.

Sec. 1.

The director of conservation is hereby authorized and directed to transfer to the state military board such lands under his control as the state administrative board shall by resolution direct, which lands shall form a part of the Hanson military reservation and shall be supervised and controlled as provided in Act No. 172 of the Public Acts of 1913, except that hunting shall not be prohibited on said lands. The state military board is hereby authorized to exchange any of the lands transferred to it under the provisions of this act for any other lands, oil and mineral rights excepted, whether privately owned or owned by the United States government, within the external boundaries of the Hanson military reservation as hereby enlarged, and is hereby authorized to make all necessary conveyances to effect any such exchanges.

History: 1934, 1st Ex. Sess., Act 28, Imd. Eff. Mar. 28, 1934 ;-- CL 1948, 32.241

STATE ARMORY IN DETROIT

Act 345 of 1927

32.251-32.256 Repealed. 1967, Act 150, Imd. Eff. June 30, 1967.

REIMBURSEMENT OF ENLISTED MEN FOR PERSONAL EXPENSE

Act 140 of 1953

32.261,32.262 Repealed. 1999, Act 97, Imd. Eff. July 1, 1999.

MILITARY LEAVES; REEMPLOYMENT PROTECTION

Act 133 of 1955

AN ACT to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States.

History: 1955, Act 133, Imd. Eff. June 7, 1955

The People of the State of Michigan enact:

32.271 Members of military or naval forces; discrimination prohibited.

Sec. 1.

No person shall discriminate against any officer or enlisted man of the military or naval forces of the state or of the United States because of his membership therein.

History: 1955, Act 133, Imd. Eff. June 7, 1955

32.272 Member of military or naval forces; employment discrimination or intimidation prohibited.

Sec. 2.

An employer or an officer or agent of any corporation, company, or firm, or other person shall not discharge any person from employment because of being or performing his or her duty as an officer or enlisted member of the military or naval forces of this state or any other state, or hinder or prevent him or her from performing any military service or from attending any military encampment or place of drill or instruction he or she may be called upon to perform or attend by proper authority, or dissuade any person from enlistment or accepting a commission in the National Guard or naval militia by threat of injury to him or her in respect to his or her employment, trade, or business upon enlistment or acceptance of a commission.

History: 1955, Act 133, Imd. Eff. June 7, 1955 ;-- Am. 2016, Act 172, Eff. Sept. 12, 2016

32.273 Member of military or naval forces; leave of absence from employment for military purposes; reemployment; priority; seniority, rights, and benefits; exception; action against employer; remedies; definitions.

Sec. 3.

(1) An employee who gives advance notice for a period of leave from his or her employment shall not be denied a leave of absence by his or her employer for the purpose of being inducted into or entering into active service, active state service, or the service of the United States, for the purpose of determining his or her physical fitness to enter the service, or for performing service as an officer or enlisted member of the military or naval forces of this state, any other state, or the United States in active state service or under title 10 or title 32 of the United States Code. If the employee reports to work or applies to the employer within 45 days or, if the service was for more than 180 days, within 90 days following release from service, release from duty, or rejection, the employer shall reemploy the employee in the following order of priority:

(a) Following service of 1 to 90 days, in the position of employment in which the person would have been employed if the continuous employment of the person with the employer had not been interrupted by service, the duties of which the person is qualified to perform.

(b) Following service of 1 to 90 days, in the position of employment in which the person was employed on the date of the commencement of service, only if the person is not qualified to perform the duties of the position referred to in subdivision (a) and after reasonable efforts by the employer to qualify the person have been made.

(c) Following service of 91 or more days, in a position described under subdivision (a) or (b), or in a position that is the nearest approximation in status and pay to a position described in subdivision (a) or (b) that the person is qualified to perform only if the person is not qualified and cannot become qualified with reasonable efforts by the employer to be employed as described in subdivision (b).

(2) A person who is reemployed under this section is entitled to the seniority and other rights and benefits that are determined by seniority that the person had on the date of the

commencement of service plus the additional seniority and rights and benefits that the person would have attained if the person had been continually employed.

(3) In addition to the seniority, rights, and benefits under subsection (2), a person who is reemployed under this section is entitled to rights and benefits, not determined by seniority, that are generally provided by the employer to employees who have similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, policy, practice, or plan in effect at the commencement of service or established while the person performs service.

(4) The employee is not entitled to reemployment under this section if the employee who is absent by reason of active service, active state service, or the service of the United States has an uninterrupted period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, that exceeds 5 years. For purposes of this subsection, a period of service shall not include any of the following:

(a) Any service that is required, beyond 5 years, to complete an initial period of obligated service.

(b) Any service during which the person was unable to obtain orders releasing him or her from a period of service in the uniformed services before the expiration of the 5-year period and the inability was through no fault of the person.

(c) Any service performed as required pursuant to 10 USC 10147, under 32 USC 502(a) or 503, or to fulfill additional training requirements determined and certified in writing by the appropriate service secretary to be necessary for professional development or for completion of skill training or retraining.

(d) Any service performed by a member in active service, active state service, or the service of the United States if any of the following occur:

(i) The member is ordered to or retained on active duty, active service, or active state service under 10 USC 688, 12301(a), 12301(g), 12302, 12304, or 12305, or under 14 USC 331, 332, 359, 360, 367, or 712.

(ii) The member is ordered to or retained on active duty, active service, or active state service, other than for training, under any provision of law because of a war or national emergency declared by the president, the Congress, or the governor of this state or any other state.

(iii) The member is ordered to active duty, other than for training, in support, as determined by the appropriate service secretary, of an operational mission for which personnel have been ordered to active duty under 10 USC 12304.

(iv) The member is ordered to active duty in support, as determined by the appropriate service secretary, of a critical mission or requirement of the uniformed services.

(v) The member is called into federal service as a member of the National Guard under 10 USC 331 to 335 or under 10 USC 12406.

(5) An employee is not entitled to the benefits under this section if the service of the employee in any of the uniformed services is terminated under any of the following circumstances:

(a) A separation of the person from the uniformed service or National Guard with a dishonorable or bad conduct discharge.

(b) A separation of the person from the uniformed service or National Guard under other than honorable conditions, as characterized pursuant to regulations prescribed by the appropriate service secretary.

(c) A dismissal of the person under 10 USC 1161(a).

(d) A dropping from the rolls pursuant to 10 USC 1161(b).

(6) An employee who meets the requirements of this section and is denied reemployment as required under this section after reporting to work or applying to the employer may bring an action against the employer in the circuit court for the employee's county of residence and shall be awarded reinstatement and reasonable attorney fees.

(7) As used in this section:

(a) "Active service" means service, including active state service or special duty required by law, regulation, or pursuant to order of the governor of this state or any other state. Active service includes continuing service of an active member of the National Guard and the defense force in fulfilling that active member's commission, appointment, or enlistment.

(b) "Active state service", as applied to the National Guard and the defense force, means military service in support of civil authorities, at the request of local authorities, including, but not limited to, support in the enforcement of laws prohibiting the importation, sale, delivery, possession, or use of a controlled substance, if ordered by the governor or as otherwise provided in this act. As used in this subdivision, "controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(c) "Service" means active service, active state service, or in the service of the United States.

(d) "Service secretary" means the secretary concerned as defined in 10 USC 101(a)(9).

(e) "Uniformed service" means the armed forces, the reserve component, the National Guard in active service or active state service, the commissioned corps of the public health service, and any other category of persons designated by the president or governor in time of war or national emergency.

History: 1955, Act 133, Imd. Eff. June 7, 1955 ;-- Am. 2002, Act 121, Imd. Eff. Apr. 1, 2002 ;-- Am. 2008, Act 106, Imd. Eff. Apr. 25, 2008 ;-- Am. 2016, Act 172, Eff. Sept. 12, 2016

32.273a Differential pay program; definitions.

Sec. 3a.

(1) Subject to the military leave for first responders act, a local unit of government may provide by ordinance or resolution or through personnel policy a differential pay program or for a specific number of paid days of leave for employees of the local unit of government who request or are required to take a leave of absence to enter into active service in a uniformed service as those terms are defined in section 3.

(2) As used in this section:

(a) "Differential pay program" means a program through which the local unit of government agrees to pay during the leave of absence all or a part of the difference between the amount the employee is paid by the local unit of government and the amount the employee receives through the employee's uniformed service if the amount paid by the local unit of government exceeds the amount paid by the uniformed service.

(b) "Local unit of government" means a city, village, township, or county.

History: Add. 2005, Act 8, Imd. Eff. Apr. 25, 2005 ;-- Am. 2026, Act 57, Imd. Eff. July 23, 2026

32.274 Violation of act, penalty.

Sec. 4.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

History: 1955, Act 133, Imd. Eff. June 7, 1955

VETERANS SPEAKERS PROGRAM

Act 81 of 2000

AN ACT to create a veterans speakers program within the department of military and veterans affairs; and to prescribe duties for certain state officials.

History: 2000, Act 81, Imd. Eff. Apr. 19, 2000
Compiler's Notes: For transfer of powers and duties to administer veterans speakers program from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

The People of the State of Michigan enact:

32.281 Veterans speakers program; creation; duties of directorate.

Sec. 1.

A veterans speakers program is created within the veterans' affairs directorate of the department of military and veterans affairs. Under the program, the directorate may do all of the following:

(a) Create a list of veterans who are willing to visit local schools and make presentations of their military experiences. The list shall include the length of service, geographical area of service, and the rank of each veteran.

(b) Encourage veterans' organizations to participate in the program.

(c) Create a pamphlet that encourages schools to utilize the experiences of veterans in the course of their educational instruction. The pamphlet shall include the names and means of contacting appropriate veterans from the list of veterans created under subdivision (a).

(d) Distribute the pamphlet to all the school districts in this state.

(e) Provide a system of receiving evaluations of the speakers and the program from teachers and students who utilized the program.

(f) Update the list of available veteran speakers at least annually. The directorate may make the list available on the internet through the web site of the department of military and veterans affairs.

History: 2000, Act 81, Imd. Eff. Apr. 19, 2000
Compiler's Notes: For transfer of powers and duties to administer veterans speakers program from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

32.282 Other instruction; participation in program.

Sec. 2.

The speakers program created in section 1 is not a replacement for any instruction required by any other law. This act does not require a teacher to participate in the program created in section 1. A teacher who chooses to participate in the program may tailor the subject matter and select the veteran that he or she determines is most appropriate for the students.

History: 2000, Act 81, Imd. Eff. Apr. 19, 2000
Compiler's Notes: For transfer of powers and duties to administer veterans speakers program from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

32.283 Annual report.

Sec. 3.

The director of the veterans' affairs directorate shall annually report to the committees of the house of representatives and the senate having jurisdiction over veterans affairs on the merits and the use of the program.

History: 2000, Act 81, Imd. Eff. Apr. 19, 2000
Compiler's Notes: For transfer of powers and duties to administer veterans speakers program from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

MICHIGAN CODE OF MILITARY JUSTICE

Act 297 of 1957

32.301-32.427 Repealed. 1980, Act 523, Eff. Mar. 31, 1981.

MICHIGAN NATIONAL GUARD TUITION ASSISTANCE ACT

Act 259 of 2014

AN ACT to provide for tuition assistance at certain educational institutions for Michigan National Guard members and certain other individuals; and to provide for the powers and duties of certain state governmental officers and entities.

History: 2014, Act 259, Imd. Eff. July 1, 2014 ;-- Am. 2023, Act 33, Imd. Eff. May 22, 2023

The People of the State of Michigan enact:

32.431 Short title.

Sec. 1.

This act shall be known and may be cited as the "Michigan national guard tuition assistance act".

History: 2014, Act 259, Imd. Eff. July 1, 2014

32.432 Definitions.

Sec. 2.

As used in this act:
(a) "Active service" means that term as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

(b) "Adjutant general" means the adjutant general of this state.

(c) "Course of study" means an individual class, or group of classes, in which an eligible person is enrolled for the purpose of obtaining a not-yet-completed training program, obtaining a not-yet-completed certificate program, or obtaining a not-yet-completed associate, bachelor's, or master's degree.

(d) "Eligible educational institution" means a public or private college, university, vocational school, technical school, or trade school located in this state.

(e) "Eligible person" means a member of the Michigan national guard who meets all of the following conditions:

(i) Is in active service.

(ii) Is not absent without leave or under charges described in the Michigan code of military justice of 1980, 1980 PA 523, MCL 32.1001 to 32.1148.

(iii) Any other criteria determined by the adjutant general consistent with Michigan national guard recruiting and retention requirements.

(f) "Fund" means the Michigan national guard tuition assistance fund created in section 4.

(g) "Tuition" means the cost of a course of study at an eligible educational institution, including the cost of instructional fees, laboratory fees, computer fees, and other fees directly related to that eligible person's specific course of study at that eligible educational institution. Tuition does not include the cost of books and study materials.

(h) "Tuition assistance program" means the Michigan national guard tuition assistance program created in section 3.

History: 2014, Act 259, Imd. Eff. July 1, 2014

32.433 Michigan National Guard tuition assistance program.

Sec. 3.

(1) The Michigan National Guard tuition assistance program is created within the department of military and veterans affairs.

(2) The adjutant general shall administer the tuition assistance program and prescribe forms and procedures to effectively carry out the tuition assistance program.

(3) An eligible person may apply for tuition assistance from the tuition assistance program before enrolling in an eligible educational institution. The adjutant general shall approve the application if the applicant is an eligible person and if there is sufficient money in the fund to cover the amount of tuition assistance determined to be available under this subsection by the adjutant general in that academic year. The adjutant general shall determine the amount of tuition assistance that may be provided under this subsection in any academic year. The amount of tuition assistance determined by the adjutant general under this subsection applies to all eligible persons.

(4) If an eligible person has enrolled in an eligible educational institution and has not applied for and received tuition assistance from the tuition assistance program, the eligible person may apply for tuition assistance for tuition paid to the eligible educational institution in that current academic year. The adjutant general shall approve the application if the applicant is an eligible person and if there is sufficient money in the Michigan National Guard member benefits fund created in the Michigan National Guard member benefits fund act to cover the amount of tuition assistance determined to be available under this subsection by the adjutant general in that academic year. The adjutant general shall determine the amount of tuition assistance that may be provided under this subsection in any academic year. The amount of

tuition assistance determined by the adjutant general under this subsection applies to all eligible persons.

(5) The tuition assistance program applies to any course of study that is intended to culminate in vocational or technical training, a certificate, or the eligible person's first associate degree, bachelor's degree, or master's degree.

(6) The adjutant general may make a tuition assistance distribution under this section to either the eligible person or the eligible education institution, and may determine when the distribution is made.

(7) Upon completion of a course of study, an eligible person who successfully applied for tuition assistance under subsection (3) or (4) must provide evidence of attendance and completion of the course of study with a minimum grade point average of 2.0 on a 4.0 scale, as applicable, in that current semester, in a manner prescribed by the adjutant general.

(8) If an eligible person who received tuition assistance under subsection (3) or who received reimbursement for the cost of tuition under subsection (4) did not complete the course of study for which it was granted, that eligible person must reimburse the fund in an amount and in a manner prescribed by the adjutant general unless the eligible person was deployed in a state or federal status that resulted in the eligible person's inability to complete the course of study. In that case, the matter must be determined by the adjutant general.

(9) The adjutant general may establish a policy that allows 1 or more of the following individuals who are family members of an eligible person to utilize the eligible person's tuition assistance established under this act, in a manner prescribed by the adjutant general and consistent with the requirements of this act that are applicable to the eligible person:

(a) A lawfully married spouse.

(b) A dependent child, stepchild, or legally adopted child who has graduated high school or obtained a high school diploma equivalent certificate, or who has turned 18 years of age, and who must use the eligible person's tuition assistance before turning 26 years of age.

History: 2014, Act 259, Imd. Eff. July 1, 2014 ;-- Am. 2016, Act 531, Eff. Apr. 9, 2017 ;-- Am. 2023, Act 33, Imd. Eff. May 22, 2023 ;-- Am. 2025, Act 38, Imd. Eff. Dec. 9, 2025

32.434 Michigan National Guard tuition assistance fund.

Sec. 4.

(1) The Michigan National Guard tuition assistance fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from the fund.

(3) The balance of money in the fund must not exceed $15,000,000.00. Any balance of money in the fund in excess of $15,000,000.00 lapses to the general fund. Money in the fund at the close of the fiscal year remains in the fund and, except as otherwise provided in this subsection, does not lapse to the general fund. The unencumbered balance remaining in the fund at the end of the fiscal year ending September 30, 2025 must be transferred to the Michigan National Guard member benefits fund created in the Michigan National Guard member benefits fund act.

(4) The department of military and veterans affairs is the administrator of the fund for auditing purposes.

(5) The adjutant general shall expend money from the fund, on appropriation, to provide tuition assistance to an eligible person, or other individual described in section 3(9), for the cost of tuition to an eligible educational institution under section 3(3) or to reimburse an eligible person, or other individual described in section 3(9), for the cost of tuition paid to an eligible educational institution under section 3(4) for a course of study completed by the eligible person, or other individual described in section 3(9).

History: 2014, Act 259, Imd. Eff. July 1, 2014 ;-- Am. 2023, Act 33, Imd. Eff. May 22, 2023 ;-- Am. 2025, Act 38, Imd. Eff. Dec. 9, 2025

MICHIGAN NATIONAL GUARD CHILD CARE ASSISTANCE ACT

Act 37 of 2025

AN ACT to create a Michigan National Guard child care assistance program to provide child care assistance to certain Michigan National Guard members; to provide for the powers and duties of certain state governmental officers and entities; and to authorize the promulgation of rules.

History: 2025, Act 37, Imd. Eff. Dec. 9, 2025

The People of the State of Michigan enact:

32.451 Short title.

Sec. 1.

This act may be cited as the "Michigan National Guard child care assistance act".

History: 2025, Act 37, Imd. Eff. Dec. 9, 2025

32.452 Definitions.

Sec. 2.

As used in this act:

(a) "Active service" means that term as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

(b) "Adjutant general" means the adjutant general of this state.

(c) "Eligible member" means a member of the Michigan National Guard who meets all of the following conditions:

(i) Is in active service.

(ii) Is not absent without leave or under charges described in the Michigan code of military justice of 1980, 1980 PA 523, MCL 32.1001 to 32.1148.

(iii) Any other criteria determined by the adjutant general consistent with Michigan National Guard recruiting and retention requirements.

(d) "Fund" means the Michigan National Guard member benefit fund created in the Michigan National Guard member benefit fund act.

(e) "Program" means the Michigan National Guard child care assistance program created in section 3.

History: 2025, Act 37, Imd. Eff. Dec. 9, 2025

32.453 Michigan National Guard child care assistance program; application for assistance; stipend.

Sec. 3.

(1) The Michigan National Guard child care assistance program is created within the department of military and veterans affairs.

(2) The adjutant general shall administer the program and prescribe forms and procedures to effectively carry out the program.

(3) An eligible member may apply for child care assistance from the program. The adjutant general shall approve the application if there is sufficient money in the fund to cover the amount of child care assistance applied for, and if either of the following applies:

(a) The eligible member is a single parent.

(b) The eligible member's spouse is an eligible member.

(4) An eligible member who is approved for child care assistance shall receive a stipend at a rate established annually by the adjutant general. The adjutant general shall determine the amount of assistance that may be provided under this subsection in any fiscal year. The amount of assistance determined by the adjutant general under this subsection applies to all eligible members. Assistance shall be provided for not more than 12 hours a day for weekend drills and annual training, up to a maximum of 39 days each year.

History: 2025, Act 37, Imd. Eff. Dec. 9, 2025

32.455 Promulgation of rules.

Sec. 5.

The adjutant general may promulgate rules to implement this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2025, Act 37, Imd. Eff. Dec. 9, 2025

TRICARE PREMIUM REIMBURSEMENT PROGRAM ACT

Act 36 of 2025

AN ACT to create a Tricare premium reimbursement program; and to provide for the powers and duties of certain state governmental officers and entities.

History: 2025, Act 36, Imd. Eff. Dec. 9, 2025

The People of the State of Michigan enact:

32.471 Short title; definitions.

Sec. 1.

(1) This act may be cited as the "Tricare premium reimbursement program act".

(2) As used in this act:

(a) "Department" means the department of military and veterans affairs.

(b) "Eligible recipient" means a member of the Michigan National Guard who is eligible for coverage under the Tricare reserve select program or the Tricare dental program and meets any other eligibility criteria established by the department.

(c) "Fund" means the Michigan National Guard member benefit fund created in the Michigan National Guard member benefit fund act.

(d) "Program" means the Tricare premium reimbursement program created in section 3.

(e) "Tricare dental program" means a voluntary dental health insurance plan for eligible recipients who are not on active duty and are not covered by a traditional assistance management program, an existing health insurance program through an employer, or a private market plan.

(f) "Tricare reserve select program" means a voluntary health insurance plan for eligible recipients who are not on active duty and are not covered by a traditional assistance management program, an existing health insurance program through an employer, or a private market plan.

History: 2025, Act 36, Imd. Eff. Dec. 9, 2025

32.473 Tricare premium reimbursement program; application; requirements.

Sec. 3.

(1) The department shall create and operate a Tricare premium reimbursement program. Under the program, the department shall, if there is sufficient money in the fund to cover the reimbursements, make reimbursements to eligible recipients who meet the reimbursement application requirements for a premium paid for either or both of the following:

(a) Individual coverage through the Tricare reserve select program.

(b) Individual coverage under the Tricare dental program.

(2) To apply for reimbursement under the program, an eligible recipient must submit an application to the department using a form, as determined by the department, that contains the information required by the department. The department shall make the form described in this subsection, and the instructions for completing and submitting the form, available on the department's website.

History: 2025, Act 36, Imd. Eff. Dec. 9, 2025

32.475 Promulgation of rules.

Sec. 5.

The department shall promulgate rules to implement this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2025, Act 36, Imd. Eff. Dec. 9, 2025

MICHIGAN NATIONAL GUARD MEMBER BENEFIT FUND ACT

Act 31 of 2025

AN ACT to create the Michigan National Guard member benefit fund; and to provide for the administration of and distributions from the fund.

History: 2025, Act 31, Eff. Dec. 9, 2025

The People of the State of Michigan enact:

32.491 Short title.

Sec. 1.

This act may be cited as the "Michigan National Guard member benefit fund act".

History: 2025, Act 31, Eff. Dec. 9, 2025

32.492 Definitions.

Sec. 2.

As used in this act:

(a) "Department" means the department of military and veterans affairs.

(b) "Fund" means the Michigan National Guard member benefit fund created in section 3.

History: 2025, Act 31, Eff. Dec. 9, 2025

32.493 Michigan National Guard member benefit fund.

Sec. 3.

(1) The Michigan National Guard member benefit fund is created in the state treasury.

(2) The state treasurer shall deposit money and other assets received from any source in the fund. The state treasurer shall direct the investment of money in the fund and credit interest and earnings from the investments to the fund.

(3) Money in the fund at the close of the fiscal year remains in the fund and does not lapse to the general fund.

(4) The department is the administrator of the fund for audits of the fund.

(5) The department shall expend money from the fund, on appropriation, to support implementing and administering all of the following acts or programs:

(a) The Michigan national guard tuition assistance act, 2014 PA 259, MCL 32.431 to 32.434.

(b) The Michigan National Guard child care assistance act.

(c) A Tricare premium reimbursement program if established under state law.

History: 2025, Act 31, Eff. Dec. 9, 2025

MICHIGAN MILITARY ACT

Act 150 of 1967

AN ACT to provide for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; and to repeal acts and parts of acts.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1998, Act 212, Imd. Eff. July 1, 1998

The People of the State of Michigan enact:

Chapter 1
GENERAL PROVISIONS

32.501 Michigan military act; short title.

Sec. 101.

This act shall be known and may be cited as the "Michigan military act".

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.503 Michigan military act; intent, construction.

Sec. 103.

It is the intent of this act and other acts of this state affecting the Michigan national guard, the Michigan defense force and the unorganized militia to conform to applicable acts and regulations of the United States. The laws of this state shall be construed to effect this intent, and anything to the contrary shall be held to be null and void as long as the subject matter shall have been acted upon by the United States. Upon any subject not acted upon with reference to these matters by the United States, any law or regulation of this state shall be in full force and effect.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.505 Definitions.

Sec. 105.

The definitions used in the command, administration, supply, training, discipline, deployment, and employment of the armed forces of the United States, unless clearly inapplicable or contradictory, are adopted with respect to the state military establishment except as otherwise provided in this act. As used in this act:

(a) "Military" means a reference to all components of the state military establishment.

(b) "Michigan national guard" means the army national guard and the air national guard.

(c) "Commander-in-chief" means the governor of this state.

(d) "Active state service", as applied to the national guard and the defense force, means military service in support of civil authorities, at the request of state or local authorities, including, but not limited to, support in the enforcement of laws prohibiting the importation, sale, delivery, possession, or use of a controlled substance, if ordered by the governor or as otherwise provided in this act.

(e) "Special duty" means military service in support of the full-time operation of the state military establishment for a period of not less than 1 day if ordered by competent authority.

(f) "Active service" means service, including active state service and special duty required by law, regulation, or pursuant to order of the governor. Active service includes continuing service of an active member of the national guard and the defense force in fulfilling that active member's commission, appointment, or enlistment.

(g) "Inactive status" means the status of those members of the national guard who are listed on an inactive list authorized by a federal statute or regulation.

(h) "In the service of the United States" and "not in the service of the United States" mean the same as those terms are used and construed under federal laws and regulations.

(i) "Officer" means a commissioned officer and a warrant officer, unless a distinction between commissioned officer and warrant officer is clearly evident.

(j) "Martial law" or "martial rule" means the exercise of partial or complete military control over domestic territory in time of emergency because of public necessity.

(k) "Armory" means a building, facility, or the lots and grounds used by an army, navy, or air unit of the national guard or organized militia as a home station or for military training.

(l) "Military establishment" means the organized militia of this state, including the employees and equipment assigned or necessary to carry out the provisions of this act.

(m) "Vital resource" means a public or private building, facility, property, or location that the governor considers necessary to protect the public health, safety, and welfare of the citizens of this state.

(n) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1998, Act 212, Imd. Eff. July 1, 1998 ;-- Am. 2002, Act 133, Eff. May 1, 2002 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.507 Rules and regulations for administration of act; promulgation by adjutant general.

Sec. 107.

The adjutant general shall promulgate rules and regulations, to be approved by the governor, necessary for administration of this act in accordance with the provisions of Act. No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled

Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1967, Act 150, Imd. Eff. June 30, 1967
Admin Rule: R 32.1 et seq. and R 32.151 of the Michigan Administrative Code.

32.509 State military establishment; composition; organized and unorganized militia.

Sec. 109.

The organized militia of this state taken collectively shall be known as the state military establishment and constitutes the armed forces of this state. The organized militia consists of the army national guard, the air national guard, and the defense force when actually in existence as provided in this act. The unorganized militia consists of all other able-bodied citizens of this state and all other able-bodied citizens who are residents of this state who have or shall have declared their intention to become citizens of the United States, who shall be age 17 or over and not more than age 60, and shall be subject to state military duty as provided in this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.511 State code of military justice; application; jury and posse comitatus duties.

Sec. 111.

The state code of military justice applies to all members of the organized militia when not in active federal service. Officers and enlisted personnel of the organized militia during service in the organized militia are exempt from jury duty and service on a posse comitatus.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.513 Officers and enlisted personnel; pay and allowances; appropriations.

Sec. 113.

Officers and enlisted personnel of the state military establishment shall receive for each day spent by them on active state service under orders of the governor, who is authorized to determine when to place them on such duty, the pay and allowances provided for persons of the federal military forces of like grade or rank and years of service. Enlisted personnel so serving shall receive $3.00 per day allowance in addition to the pay herein authorized. There is hereby appropriated each year from the general fund, the sums necessary to implement the provisions of this type active state service including logistic costs.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.514 Administrative workday and workweek during active state service or special duty; actual workday and workweek.

Sec. 114.

During periods of active state service or special duty, the administrative workday shall consist of 24 hours and the administrative workweek shall consist of 7 days for officers and enlisted personnel of the state military establishment. The adjutant general shall prescribe the

length of the actual workday and the days of the actual workweek within the administrative workday and workweek.

History: Add. 1975, Act 194, Imd. Eff. Aug. 11, 1975

32.515 Subsistence.

Sec. 115.

Subsistence shall be furnished by the state when troops of the state military establishment are mobilized for state duty requiring the furnishing of subsistence.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.516 Expired. 1978, Act 567, Eff. Jan. 1, 1982.

Compiler's Notes: The expired section pertained to waiver of tuition and fees.

32.517 Privilege from arrest and imprisonment; exemption from levy of execution, seizure, or attachment; adjournment of pending lawsuits; forfeitures; seizure or sale of chattels; utility service.

Sec. 117.

Officers and enlisted personnel on active service in excess of 7 days and when so ordered by the governor in support of civilian authority or in time of war or emergencies of this state or of the United States, in all cases, except for treason, felony, or breach of the peace are privileged from arrest and imprisonment during the time of active service and for a period of 6 months after the service ceases. Their separate property during the same period is exempt from levy of execution, seizure, or attachment for debts contracted prior to or during the service. Suits in the courts of this state including, but not limited to, all intermediate hearings in the suits, pending against any such person when he or she enters active service, or commenced at any time during the service, stand adjourned until after the termination of the service. Forfeiture of an executory contract, whether title retaining or otherwise, shall not be enforced against any such person, and seizure or sale of chattels shall not be made against such person, during service nor for 90 days after the termination of the service. The person or his or her immediate household shall not be deprived of or denied heat, water, electricity, or gas service by any public utility serving his or her home during the first 90 days of military service by reason of unpaid bills for the commodities.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2006, Act 597, Imd. Eff. Jan. 3, 2007

32.519 National guard compensation board; members, appointment and duties.

Sec. 119.

The governor may appoint a board of 3 national guard officers, 1 of whom shall be a medical officer to inquire into and make recommendations concerning the payment of compensation, claims, medical attention, hospital treatment, funeral expenses and other expenses not otherwise provided for in this section for a member of the state military establishment who is injured, disabled or killed during the performance of active state service

or special duty. If satisfied that any injury or disability was received or death caused while in line of duty and in the performance of official duties, the board shall recommend compensation to the injured or disabled member or shall recommend payment of medical, hospital and other incidental necessary expenses or compensation to the dependents of the deceased member. Recommendations of the board shall be forwarded to the state administrative board for final determination and payment.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.521 Line of duty; definition.

Sec. 121.

"Line of duty" as used in this act means an act performed by a member of the state military establishment in obedience to or in conformity with a law, rule, regulation, order, command or custom of the military service or an act performed which is not in violation of a law, rule, regulation, order, command or custom of the military service, or that will not bring discredit to the military service. A member of the state military establishment, while on active state service or while attending to military duty required or expected of him or while exercising any personal privilege not prohibited him, by virtue of his status as a member of the military forces, is deemed to be in a line of duty status with respect to an act so done or privilege so exercised, or any happening to him, unless it be shown that such act or happening was on his part in disobedience to some law, rule, regulation, lawful command or order applicable to him, or was the result of his own misconduct. The fact that the member is on leave, pass or furlough status does not preclude an act of, or happening to, the member from being as in line of duty.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.523 Line of duty; construction, presumptions.

Sec. 123.

In construing the term "line of duty" the recorded opinions of the judge advocate general of the United States armed forces in like cases or circumstances or involving like principles, insofar as not contrary to this act, shall govern and be applied to line of duty cases arising under this act. Actions of members of the state military establishment while on duty are presumed to be in line of duty unless clearly shown to have been otherwise, under the provisions of this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.525 Duty; construction.

Sec. 125.

"Duty" also includes the time necessary for a member of the state military establishment to go from his usual residence or place of business or employment to respond to a call to duty, and the time necessary to return from the place of duty to his usual residence or place of business or employment, after the duty has been performed.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.527 Leave accrual during active state service or special duty; leave without pay.

Sec. 127.

(1) Officers and enlisted personnel of the state military establishment while on active state service or special duty, under the provisions of this act or on orders of the governor, shall accrue leave as provided members of the United States armed forces.

(2) Leave without pay may be authorized by the adjutant general as provided in section 328.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1975, Act 194, Imd. Eff. Aug. 11, 1975

32.529 Officers and enlisted personnel; continuation until expiration of term.

Sec. 129.

Officers and enlisted personnel in the state military establishment when this act takes effect shall continue in office and remain in the service until the expiration of their terms of office or enlistment, unless otherwise provided by this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.531 Officers' bonds; force and effect.

Sec. 131.

The bond of an officer who has heretofore given a bond by virtue of any law concerning the militia shall remain in full force and effect according to its terms.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.533 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's Notes: The repealed section pertained to tenure of senior line officer serving in grade of major general.

Chapter 2
POWERS AND DUTIES OF THE GOVERNOR

32.551 Governor as commander-in-chief of Michigan National Guard; order to active state service; order by adjutant general; conditions; order by governor under other circumstances.

Sec. 151.

(1) The governor is the commander-in-chief of the Michigan National Guard. He or she may order to active state service any members of the Michigan National Guard in case of riot, tumult, breach of the peace, or resistance of process, or for service in aid of civil authority, whether state or federal, or in time of actual or imminent public danger, disaster, crisis, catastrophe, or other public emergency within this state or to respond to acts or threats of terrorism or to safeguard military or other vital resources of this state or of the United States. If the governor and his or her legal successor are absent or disabled or cannot be communicated with, the adjutant general, if he or she believes the danger great and imminent,

may order out, in the name of the governor, such troops of the Michigan National Guard as he or she believes necessary to meet the emergency.

(2) In circumstances other than those described in subsection (1), the governor may order any member of the Michigan National Guard to active state service for duties in support of the full-time operation of the Michigan National Guard. However, a member of the Michigan National Guard who is called to active service under this subsection does not have any police powers or arrest authority.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013 ;-- Am. 2016, Act 311, Eff. Jan. 4, 2017

32.555 Unorganized militia; power of the governor.

Sec. 155.

The governor may order into the defense force any members of the unorganized militia in case of riot, tumult, breach of the peace, resistance of process, or for service in aid of civil authority, whether state or federal, or in time of actual or imminent public danger, disaster, crisis, catastrophe or other public emergency within this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.559 Mutual military assistance agreement with other states or reciprocal agreements for emergency assistance to other states.

Sec. 159.

(1) The governor may enter into an agreement with the governors of 1 or more other states authorizing the military forces of this state, in time of invasion, rebellion, public disaster, or catastrophe, or to assist a state or local law enforcement agency, at the request of that state or local law enforcement agency, in enforcing a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance as defined in this act or a similar law of the other state, or as necessary to comply with reciprocal agreements for emergency assistance to other states under the interstate emergency management assistance compact, 2001 PA 248, MCL 3.1001 to 3.1004, or with other similar agreements, to be employed within the area of the other states for mutual assistance in the public interest.

(2) A member of the national guard from another state performing support duty to a federal, state, or local law enforcement agency in this state has the same immunity from liability and prosecution as does a member of the Michigan national guard in performing support duty to a federal, state, or local law enforcement agency.

(3) The Michigan national guard is a law enforcement agency under this act for the purpose of receiving or using property or money forfeited under section 981(e)(2) of title 18 of the United States Code, 18 USC 981, section 616 of part V of title IV of the tariff act of 1930, 19 USC 1616a, and section 511(e)(1)(A) of part E of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, 21 USC 881.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1998, Act 212, Imd. Eff. July 1, 1998 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.563 State military forces; pursuit of insurrectionist, saboteur, or enemy into another state; captives, surrender and extradition.

Sec. 163.

If the United States is at war or if any other emergency is declared by the president or the congress of the United States or by the governor or legislature, any organization, unit or detachment of the military forces of this state, by direction of the governor and upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this state into another state, until they are apprehended or captured by such organization, unit or detachment, or until the military or police forces of such other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued, if the other state has given authority by law for such pursuit by the forces of this state. Except as otherwise provided by law, a person who is apprehended or captured in another state by forces of this state shall be surrendered without unnecessary delay to the military or police forces of the state in which he is taken or to the United States. The surrender does not constitute a waiver by this state of its right to extradite or prosecute the person for a crime committed in this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.567 Military forces of another state; pursuit of insurrectionist, saboteur, or enemy into this state; surrender of captives; construction of section.

Sec. 167.

A military force of another state which is in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this state, until the military or police forces of this state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued. The pursuing forces may arrest or capture such persons within this state while in fresh pursuit. Any person who is captured or arrested by the military forces of another state, while in this state, shall be surrendered without unnecessary delay to the military or police forces of this state to be dealt with according to law. This section shall not be construed to make unlawful an arrest in this state otherwise lawful, nor to repeal or prevent the application of any provision of law on the fresh pursuit of criminals.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.571 Reorganization of military establishment; transfer of personnel.

Sec. 171.

The governor may direct the adjutant general to organize, disband, arrange, transfer, convert, alter, consolidate, or attach units of the military establishment. The transfer of personnel to and within units shall be carried out by order of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.575 Declaration of martial law.

Sec. 175.

When any part of the organized militia is employed pursuant to section 151, the governor, if in his judgment maintenance of law and order will thereby be promoted, may by

proclamation declare the county or city in which the troops are serving or any specified portion thereof, to be under martial law or martial rule.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.579 Command of state military personnel; militia on active service; duties, liabilities, and immunities; defense of civil action or criminal prosecution.

Sec. 179.

(1) No civilian person, except the governor, may command personnel of the state military establishment.

(2) If any portion of the organized militia is called into active service, special duty, active state service, or the service of the United States to execute the laws, engage in emergency or disaster relief or other support operations pursuant to the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, or suppress or prevent actual or threatened riot or insurrection, repel invasion, respond to acts or threats of terrorism, safeguard military or other vital resources of this state or of the United States, or to assist in the enforcement of a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance, a commanding officer shall use his or her own judgment in apprehending or dispersing a sniper, a rioter, a mob, or an unlawful assembly. In situations described in this subsection, the commanding officer may apprehend a person on a state military base, armory base, air base, or a vital resource of this state or of the United States if the commanding officer has reasonable cause to believe the person has committed a felony or a misdemeanor punishable by imprisonment for more than 92 days on that state military base, armory base, air base, or a vital resource of this state or of the United States. In situations described in this subsection, the commanding officer or an individual under his or her command may apprehend a person on a state military base, armory base, air base, or a vital resource of this state or of the United States if the person commits a crime in the presence of the commanding officer or an individual under his or her command on that state military base, armory base, air base, or a vital resource of this state or of the United States. That commanding officer shall determine the amount and kind of force to be used in preserving the peace and carrying out the orders of the governor. Except as provided in subsection (3), that commanding officer's honest and reasonable judgment under the circumstances then existing, in the exercise of his or her duty, is full protection, civilly and criminally, for an act done in the line of duty, and a member of the organized militia in active service, special duty, active state service, or the service of the United States is not liable civilly or criminally for an act committed by him or her in the performance of his or her duty.

(3) A member of the organized militia in active service, special duty, active state service, or the service of the United States has the immunity of a peace officer in this state if 1 or more of the following apply:

(a) The member is acting in aid of civil authorities and acting in the line of duty.

(b) The member is assisting in the enforcement of a law prohibiting the importation, sale, delivery, possession, or use of a controlled substance and acting in the line of duty.

(c) The member has been ordered by the governor to respond to acts or threats of terrorism or to safeguard military or other vital resources of this state or of the United States and is acting in the line of duty.

(4) The attorney general of this state shall defend a civil action or criminal prosecution brought in a state or federal court, against a member of the organized militia or his or her

estate, arising from an act or omission alleged to have been committed while in active service, special duty, active state service, or the service of the United States.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1968, Act 241, Imd. Eff. June 26, 1968 ;-- Am. 1998, Act 212, Imd. Eff. July 1, 1998 ;-- Am. 2002, Act 133, Eff. May 1, 2002 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.581 Officers and warrant officers; appointment, promotion.

Sec. 181.

The authority to appoint and promote officers and warrant officers of the organized militia is vested in the governor.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.582 Governor; awards for services rendered to military establishment; adjutant general; "Michigan Vietnam veteran recognition certificate".

Sec. 182.

(1) The governor as commander-in-chief may prescribe the award of medals and other suitable means of public recognition for distinguished service, longevity, acts of valor, or meritorious achievement. The awards may be made to members of the organized militia of this state or to other individuals, who are not members of the organized militia, who have rendered appropriate service to the military establishment. The adjutant general shall develop and publish rules to carry out this subsection.

(2) The adjutant general is authorized to award the "Michigan Vietnam veteran recognition certificate". The adjutant general, in consultation with the director of the Michigan veterans affairs agency, shall develop and publish rules to carry out this subsection. All of the following apply to the certificate:

(a) An individual may be awarded the certificate if the individual meets all of the following requirements:

(i) The individual is a citizen of this state or was a citizen of this state while serving in the Armed Forces of the United States.

(ii) The individual was honorably discharged or released under honorable circumstances.

(iii) The individual served during the Vietnam War era.

(b) The certificate created under this subsection also includes the option of a special designation, as developed by the department of military and veterans affairs, recognizing individuals who were exposed to dioxin or phenoxy herbicides during their service. To receive this designation, an individual must demonstrate in a form and manner prescribed by the department of military and veterans affairs that while serving in the Armed Forces of the United States, he or she was exposed to dioxin or phenoxy herbicides, as evidenced by a medical diagnosis of a disease associated with dioxin or phenoxy herbicides and any other proof required by the adjutant general.

(c) An individual shall not be awarded more than 1 certificate.

(d) If the certificate recipient is deceased, the certificate may be presented to a designated representative of the deceased.

(3) As used in this section:

(a) "Armed Forces of the United States" means the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the Michigan National Guard and reserve components.

(b) "Certificate" means the Michigan Vietnam veteran recognition certificate.

(c) "Vietnam War era" means the period beginning on February 28, 1961 and ending on May 7, 1975.

History: Add. 1970, Act 164, Imd. Eff. Aug. 2, 1970 ;-- Am. 2022, Act 181, Eff. Mar. 29, 2023

Chapter 3
THE NATIONAL GUARD

32.601 National guard; composition.

Sec. 201.

The national guard consists of the organizations and units which are, under the laws and regulations of the United States, prescribed as the portion of the national guard of the United States apportioned and assigned to this state in accordance with a troop basis approved by the governor, and such other officers, warrant officers and enlisted personnel as may be required.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.605 Commanding officers; duties and responsibilities.

Sec. 205.

The commanding officer of each organization of the national guard is responsible for training, combat readiness and efficiency of the organization he commands.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.613 Officers; appointment, qualifications; merger of national guard and reserve component.

Sec. 213.

The governor shall appoint general officers of the national guard from qualified federally recognized officers of the national guard, who have served at least 5 years as commissioned officers in the national guard, and shall be qualified for federal recognition as general officers. In the event of a merger of the national guard and another reserve component, the commissioned service in the reserve component shall be considered comparable to national guard federally recognized commissioned service in meeting the requirements of this section.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.617 Officers; oath required, time.

Sec. 217.

An officer of the national guard shall take and subscribe to the following oath of office: "I ..... do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the state of Michigan, against all enemies, foreign

and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the president of the United States and of the governor of the state of Michigan; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ..... in the national guard of the United States and of the state of Michigan, upon which I am about to enter." The officer shall take this oath within 10 days after his appointment and unless he does so is deemed to have declined his office and his appointment may be vacated.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.621 Enlistment periods.

Sec. 221.

Original enlistments in the national guard and all subsequent enlistments shall be for the period prescribed by laws or regulations for the national guard of the United States.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.625 Oath of person enlisting in national guard.

Sec. 225.

A person enlisting in the national guard shall take an oath to defend the constitution of the United States and the constitution of the state in such form as may be prescribed by regulations.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.629 Administration of oaths and affirmations.

Sec. 229.

An officer of an active or reserve component of the armed forces of the United States may administer oaths and affirmations in the appointment or enlistment of officers and enlisted personnel of the Michigan national guard.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 299, Imd. Eff. Dec. 14, 1990

32.633 Enlistments and commissions; continuation after termination of national emergency; discharges.

Sec. 233.

On termination of an emergency in which officers and enlisted personnel of the national guard have been called or ordered into federal service by the president of the United States, in accordance with the laws of the United States, the officers and enlisted men shall continue to serve in the national guard until the dates upon which their commissions or enlistments entered into prior to the call or induction into the federal service would have expired if uninterrupted, unless discharged in accordance with federal or state directives.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.636 Department-administered post-traumatic stress disorder questionnaire and traumatic brain injury questionnaire.

Sec. 236.

(1) An officer or enlisted person serving in the national guard while under state jurisdiction shall take a department-administered post-traumatic stress disorder questionnaire and a traumatic brain injury questionnaire before being deployed in operation Iraqi freedom, operation enduring freedom, or any other overseas service pursuant to any future declaration of war by the United States Congress or the beginning of an emergency condition recognized by the issuance of a presidential proclamation or a presidential executive order. The officer or enlisted person is exempt from this requirement if he or she has completed similar questionnaires approved by the United States department of veterans affairs or the United States department of defense while under the control of the federal government.

(2) An officer or enlisted person serving in the national guard within 90 days of his or her return to state jurisdiction from operation Iraqi freedom, operation enduring freedom, or any other overseas service pursuant to any future declaration of war by the United States Congress or the beginning of an emergency condition recognized by the issuance of a presidential proclamation or a presidential executive order shall take a department-administered post-traumatic stress disorder questionnaire and a traumatic brain injury questionnaire.

(3) An officer or enlisted person serving in the national guard and who has returned to state jurisdiction from operation Iraqi freedom or operation enduring freedom shall take a department-administered post-traumatic stress disorder questionnaire and a traumatic brain injury questionnaire. The officer or enlisted person is exempt from this requirement if he or she has completed similar questionnaires approved by the United States department of veterans affairs or the United States department of defense while under the control of the federal government.

(4) The officer or enlisted person is exempt from department-administered post-traumatic stress disorder and traumatic brain injury requirements if he or she has completed similar questionnaires approved by the United States department of veterans affairs or the United States department of defense while under the control of the federal government.

(5) An officer or enlisted person who has been discharged from the national guard, an active duty servicemember residing in Michigan, or a federal reservist residing in Michigan who has been deployed in operation Iraqi freedom or operation enduring freedom may take a department-administered post-traumatic stress disorder questionnaire and a traumatic brain injury questionnaire free of charge.

(6) The questionnaires shall be developed by the department with the assistance of any statewide associations specializing in traumatic brain injuries, the Ann Arbor veteran administration medical center, and the Michigan department of community health and shall be approved by the United States department of veterans affairs or the United States department of defense.

(7) All post-traumatic stress disorder and traumatic brain injury questionnaires shall be stored as electronic documents by the department.

(8) As used in this section, "department" means the department of military and veterans affairs.

History: Add. 2008, Act 139, Imd. Eff. May 28, 2008

32.637 Certificates of discharge; discharge before expiration of term; presentment to home counties for recording.

Sec. 237.

(1) Enlisted personnel discharged from service in the national guard shall receive certificates of discharge in writing as prescribed by the laws or regulations of the United States or this state for the national guard. In time of peace, a discharge may be given prior to the expiration of the term of enlistment under prescribed regulations, subject to the restrictions of federal law or regulations.

(2) The department of military and veterans affairs shall present to the home counties of enlisted personnel for recording pursuant to 1867 PA 83, MCL 35.31 to 35.35, all discharge certificates for enlisted personnel discharged from service in the national guard.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2008, Act 163, Imd. Eff. June 19, 2008

Chapter 4
STATE DEFENSE FORCE

32.651 Michigan volunteer defense force; conditions for activating; limitation on organization; list of former officers, warrant officers, and enlisted personnel; funding; reference to Michigan defense force; affirmative action guidelines; weapons; reports.

Sec. 251.

(1) The governor, as commander-in-chief, may activate within the military establishment such number of units to be known as the Michigan volunteer defense force, as the governor considers necessary for adequate emergency assistance to the state. When activated by proper authority, the Michigan volunteer defense force shall perform missions as determined by the department of military and veterans affairs in cooperation with the department of state police and the state emergency preparedness plan. During times other than a national emergency, organization of the Michigan volunteer defense force shall not exceed 15% of the Michigan national guard authorized strength.

(2) A list of former officers, warrant officers, and enlisted personnel of the Michigan national guard shall be maintained with their consent in the office of the adjutant general to aid in forming the Michigan volunteer defense force.

(3) The adjutant general may accept funding for the Michigan volunteer defense force from sources other than the state or federal government but shall expend those funds only pursuant to an appropriations act. The adjutant general shall deposit the funds in a special account within the department of military and veterans affairs.

(4) As used in this act, a reference to the Michigan defense force means the Michigan volunteer defense force.

(5) The department shall establish affirmative action guidelines for membership goals in the Michigan volunteer defense force. The department shall take all steps necessary to carry out and implement those guidelines.

(6) Members of the Michigan volunteer defense force shall not be equipped with any type of weapon except under the following conditions:

(a) The president has called or ordered all or part of the national guard into federal service in time of a national emergency and the mission of the Michigan volunteer defense force to whom weapons are issued consists primarily of the protection of public property.

(b) During training to be conducted by the national guard or state police in the proper use of such weapons.

(7) Not later than 1 year after the effective date of the amendatory act that added this subsection and each year thereafter, the department of military and veterans affairs shall report to the standing committees of the senate and house of representatives that are responsible for legislation concerning military affairs, and the senate and house appropriations committees as to the proposed and actual status of development of the Michigan volunteer defense force. The reports shall include all of the following:

(a) Regulations or proposed regulations to define and limit the type and duration of missions that may be undertaken by the Michigan volunteer defense force.

(b) Proposals for meeting the training and equipment needs of the Michigan volunteer defense force in fulfilling the missions that may be undertaken, and a 3-year projection of the costs of that training and equipment.

(c) A description of the requirements or proposed requirements, including physical ability, for membership in the Michigan volunteer defense force.

(d) Procedures that are used or are proposed to be used to screen membership in the Michigan volunteer defense force as to character and fitness, including standards that will ensure that no person with a serious criminal record is a member.

(e) The plan detailing methods and procedures for the coordination of the operations of the Michigan volunteer defense force with the state police, local law enforcement agencies, and state and federal disaster relief authorities.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1988, Act 246, Imd. Eff. July 11, 1988 ;-- Am. 2008, Act 305, Imd. Eff. Dec. 18, 2008

32.655 State defense force and unorganized militia; determination of emergency.

Sec. 255.

In case of war, or a national emergency, when the national guard may be in the military service of the United States, the defense force shall be ready and able to protect the state in case of insurrection, invasion, disaster or other emergency, actual or imminent. In such case the governor, as commander-in-chief, may use the defense force augmented if necessary by all or a part of the unorganized militia not responsive to the orders of the president for the time being. The determination of the governor that an emergency exists or is imminent is conclusive.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.659 Service or enlistment; duration.

Sec. 259.

An officer shall agree to service the state for the duration of the emergency. An enlistee shall enlist in writing for the duration of the emergency or such time as regulations may direct.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.663 Oaths required of officers and enlisted personnel.

Sec. 263.

Officers and enlisted personnel of the defense force shall take the oath prescribed by regulations.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.667 Oaths and affirmations; administration by commissioned officer.

Sec. 267.

Commissioned officers of the defense force may administer oaths and affirmations in the discharge of any of the duties pertaining to their offices and in connection with the appointment of officers and the enlistment of men in the defense force.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.671 Officers and enlisted personnel; appointment, duties and authority; records.

Sec. 271.

Officers and enlisted personnel of the defense force shall be appointed in the same manner, and with like duties, responsibilities and authority as prescribed by law and regulations governing the national guard, or as may be prescribed in special regulations promulgated for the national guard or the defense force. Orders evidencing the appointment, promotion or severance from the service of officers and enlisted men of the military establishment shall be issued through and recorded in the office of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.675 Officers and enlisted personnel; qualifications for appointment and promotion; application of act.

Sec. 275.

The qualifications of persons for appointment and promotion as officers and warrant officers of, and for enlistment in, the defense force shall be as prescribed by the governor, and without reference to qualifications prescribed for the national guard. Except as otherwise provided in this act, the provisions of this act and of regulations made in accordance with this act applying to the Michigan national guard with relation to aid of civil authorities and other emergency service; bonding of officers; military discipline; accounting and responsibility of officers for public funds and property; forms, returns and reports; surveys of property, issuance, care and security of military property; and all recognized military procedure, customs of the service and administration, shall also apply to and govern the defense force in like situations.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.679 Training and discipline regulations.

Sec. 279.

Regulations for the training and discipline of the defense force shall be prescribed by order of the governor.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.683 Pay and allowances.

Sec. 283.

While in active state service under orders of the governor under the circumstances and conditions prescribed for the national guard in this act, or in such status in the administration, training, command and supply of the Michigan defense force, the officers and enlisted men thereof shall receive the same pay and allowances as are prescribed for the national guard in like circumstances.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.687 Michigan state troops; references.

Sec. 287.

Reference to "Michigan state troops" in any law is construed as referring to the defense force.

History: 1967, Act 150, Imd. Eff. June 30, 1967

Chapter 5
ADMINISTRATION OF THE DEPARTMENT OF MILITARY AFFAIRS

32.700 Adjutant general; rank, powers, and duties.

Sec. 300.

The office of the adjutant general, with the rank of major general in the national guard, is created. He or she shall be the commanding general of the military establishment. Under the direction of the governor, he or she is charged with the responsibility for the command, administration, logistics, training, and fiscal direction of the military establishment. He or she may perform any act authorized by this chapter or the regulations issued pursuant to this act through or with the aid of such officers, officials, or directors of the military department as he or she may designate. The adjutant general shall direct the planning for the organization and employment of the forces of the organized militia in carrying out their state military mission and establish unified command of state forces whenever they shall be jointly engaged.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.702 Adjutant general; appointment; qualifications; tenure; pay and allowances; oath of office; retirement.

Sec. 302.

(1) The governor shall appoint the adjutant general from among qualified federally recognized officers of the national guard. The adjutant general shall have served as an officer of field or general grade in the state military establishment for not less than 5 years before appointment and shall have federal recognition in the rank of colonel or higher and shall be capable of being federally recognized to the rank of brigadier general before appointment. The adjutant general shall serve at the pleasure of the governor, and unless sooner relieved, shall serve until the age designated for retirement for an active army or air force officer of like

grade. The adjutant general shall receive pay and allowances equal to those of an active army or air force officer of like grade and service. Not later than 10 days after the appointment, the adjutant general shall file his or her constitutional oath of office with the secretary of state.

(2) Only 1 adjutant general appointed by the governor under this section in any 4-year period is eligible for retirement under section 306(2).

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2002, Act 654, Imd. Eff. Dec. 23, 2002 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.704 Assistant adjutants general; army, air; appointment, qualifications, duties, pay and allowances, tenure.

Sec. 304.

The adjutant general shall select from among the qualified federally recognized officers of the army national guard a principal assistant to be known as "assistant adjutant general for army" to supervise the training, administration and supply of the army national guard, and a principal assistant from the air national guard to be known as "assistant adjutant general for air" to supervise the training, administration and supply of the air national guard and each shall have the rank of brigadier general and receive pay and allowances equal to that of an active army or air force officer of like grade and service. Officers so appointed shall serve at the pleasure of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.705 Repealed. 1988, Act 493, Imd. Eff. Dec. 29, 1988.

Compiler's Notes: The repealed section pertained to pay and allowances of general grade officers.

32.706 Adjutant general and assistant adjutants general; retirement benefits.

Sec. 306.

(1) Beginning January 1, 2011, except as otherwise provided in this section, the adjutant general and the assistant adjutants general who began employment on or after January 1, 2011 when relieved under honorable circumstances must receive retirement benefits as a qualified participant under the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69. Retirement benefits will start on the date of retirement or honorable relief from duty.

(2) Beginning July 2, 2013, and subject to the limitation provided in subsection (5), the adjutant general and the assistant adjutants general when retired or relieved under honorable circumstances must be placed on the retired list of the National Guard. The adjutant general and the assistant adjutants general must receive retirement pay, equal to 45% of his or her final base pay as provided in the United States Department of Defense Military Pay Charts for an officer of like grade and total years of service. Subject to subsection (3), retirement benefits will start on the date of retirement or honorable relief from duty.

(3) Retirement under subsection (2) requires all of the following:

(a) Until the effective date of the amendatory act that added subsection (6), not less than 20 years active service with the National Guard or state defense force, or both, and beginning with the effective date of the amendatory act that added subsection (6), not less than 20 years active service with the National Guard.

(b) Not less than 4 consecutive years of special duty as an adjutant general or assistant adjutant general. However, the requirement for serving 4 consecutive years of service as an adjutant general or assistant adjutant general for retirement pay is waived if the service member is relieved because of a new governor assuming office.

(c) The service member is 55 years of age or older.

(4) For a retirant who retires under subsection (2) before the effective date of the amendatory act that added subsection (6), any retirement pay received from the federal government for military service must be deducted when computing the amount to be received from this state for an adjutant general or assistant adjutant general who retires under subsection (2). The deduction must start on the first day of the month the officer becomes eligible for federal retirement. Once established, the amount of the deduction must not be changed.

(5) Only 1 adjutant general appointed by the governor under section 302 in any 4-year period is eligible for retirement under subsection (2). Only 2 assistant adjutants general in any 4-year period are eligible for retirement under subsection (2). However, if the adjutant general or an assistant adjutant general is mobilized pursuant to a federal mobilization and the governor appoints a replacement adjutant general under section 302 or the adjutant general appoints a replacement assistant adjutant general, the replacement adjutant general or replacement assistant adjutant general is eligible for retirement under subsection (2). If any change or error in the records results in any member, retirant, or beneficiary receiving from the retirement system more or less than he or she would have been entitled to receive if the records had been correct, the retirement system shall correct that error and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which that member, retirant, or beneficiary was correctly entitled will be paid.

(6) The retirement pay for a retirant who first begins receiving retirement pay under subsection (2) on or after the effective date of the amendatory act that added this subsection is not subject to an annual cost of living increase.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2010, Act 255, Imd. Eff. Dec. 14, 2010 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013 ;-- Am. 2018, Act 378, Imd. Eff. Dec. 18, 2018

32.708 Adjutant general and assistant adjutants general; bonds, amounts, premiums, filing.

Sec. 308.

The adjutant general shall give bond in the sum of $25,000.00 to the state conditioned upon the faithful performance of his duties. The assistant adjutants general shall give like bond in the sum of $10,000.00. If a surety bond is given, the premiums shall be paid out of funds appropriated for the premiums. The bonds shall be filed with the state treasurer.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.710 Adjutant general; powers and duties; location of office; seal; copies of orders, records, and papers as evidence.

Sec. 310.

The adjutant general is the military advisor to the governor and the director of the department of military and veterans affairs. The adjutant general's office is in Lansing. The adjutant general may publish orders and other directives in the name of the governor and this

state to implement and administer the duties and responsibilities outlined in this act. The adjutant general's duties include the development and implementation of plans for the defense of state military personnel, lands, installations, and vital resources; maintenance of the personnel records of all active, inactive, retired, or deceased personnel of the state military establishment; and liaison in the transaction of official business for this state with the United States and with other states and territories, including those duties devolving upon the adjutant general pursuant to the national defense act and other pertinent federal laws and regulations. The adjutant general shall maintain records of claims for state gratuities for military service rendered by citizens of this state and, when authorized by the legislature, shall receive, examine, process, and recommend the payment of gratuities pursuant to law. The adjutant general may use the coat of arms of this state with the words added "State of Michigan, Department of Military and Veterans Affairs" as the seal of office. All copies of orders, records, and papers certified and authenticated under the seal are equivalent in evidence to the originals.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 301, Imd. Eff. Dec. 14, 1990 ;-- Am. 2002, Act 133, Eff. May 1, 2002

32.712 Quartermaster general; transfer of duties to adjutant general.

Sec. 312.

All duties and responsibilities of the quartermaster general of the state under any law are transferred to the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.716 Federal grants; military facilities; insurance programs.

Sec. 316.

The adjutant general shall plan, negotiate, and contract with the federal government for the maintenance, remodeling, additions to, and construction of armories and other military, veterans, or related state facilities within this state. He or she may receive and expend grants from federal sources for these purposes and may enter into agreements with agencies of the federal government for purposes of extending available insurance programs to members and employees of the state military establishment.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.718 Inspector general; appointment.

Sec. 318.

The adjutant general shall appoint an inspector general of the military establishment.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.720 Staff judge advocate; appointment, qualifications, duties; military justice, claims.

Sec. 320.

The adjutant general shall appoint as staff judge advocate an officer of the national guard, who shall be an attorney-at-law licensed to practice in this state. He shall perform the duties

required of him in the administration of military justice or to perform other legal duties of an official nature. The adjutant general shall provide, within his office, for the administration of military justice as provided in the state code of military justice and shall administratively supervise the claims in behalf of personnel of the state military establishment and the public generally, as against the United States, or this state, under the federal tort claims act and other state and federal acts.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.726 Accounting of federal and state military funds and property; bonding of disbursing and distributing officers.

Sec. 326.

The adjutant general in accordance with federal regulations shall direct the obligating, accounting, reporting, financial planning and administrative control of federally appropriated military funds allotted to this state and state funds allotted to the state military establishment. He shall direct the inventory and account of all military reservations, stores, magazines, arsenals, warehouses, armories, munitions of war and other military property. He may procure bonds from all disbursing and distributing officers and other officers in charge of military property.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.728 Inclusion of civilian positions and personnel of military establishment in classified state civil or state senior service; calling officers and enlisted personnel to special duty; pay and allowances of special duty personnel; charging leave against federal military pay.

Sec. 328.

(1) The adjutant general shall request civilian positions and personnel of the military establishment, as he or she considers necessary, to be included in the classified state civil or state senior service. He or she also has the authority to call officers and enlisted personnel, as he or she may designate, to special duty in the military department. Officers and enlisted personnel called to special duty shall receive pay and allowances equal to that of active army or air force personnel of like grade and service.

(2) When special duty personnel receive military pay from the federal government for services performed during the hours of an actual workday, as designated by the adjutant general under section 114, they shall be charged with a day of leave or a day of leave without pay.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1975, Act 194, Imd. Eff. Aug. 11, 1975 ;-- Am. 1988, Act 493, Imd. Eff. Dec. 29, 1988 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.730 Selective service; planning, training.

Sec. 330.

The adjutant general is authorized and empowered, in time of peace and when a national system of selective service is not in operation, to plan for the selective service in case of future

need, and in time of peace, may train personnel of the national guard, contemplated for assignment to selective service duties in the proper discharge of such duties.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.732 Reports of survey for lost, damaged or destroyed federal property.

Sec. 332.

The adjutant general shall be responsible for the processing of reports of survey, for lost, damaged or destroyed federal property loaned to this state for the use of the military establishment.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.734 Certificates of prior service.

Sec. 334.

The adjutant general shall prepare and deliver to any person a certificate, over his seal and signature, showing the person's prior service in the state military establishment.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.736 Armories, air bases and naval installations; use of intoxicating liquor, local approval.

Sec. 336.

The armories, air bases and naval installations erected, constructed and owned by the state, leased by the state or provided by the federal government by either lease, license or use permit, shall be for the use and benefit of the organized militia quartered therein. Organizations of the Spanish-American war veterans, veterans of foreign wars, the American legion and other war veterans' organizations, upon their written request to the adjutant general may be granted the use of state armories, subject to the rules governing the organized militia quartered therein and regulations of the military establishment. The use of such armories free of charge for all veterans' district or state conventions is authorized. The use by the organized militia or other military organizations of intoxicating liquors in the armories, air bases and naval installations of the military establishment is authorized. The adjutant general shall publish directives to insure proper control of such use and any officer or enlisted man guilty of violating these directives shall be punished as a court martial shall direct. With the approval of the legislative body of the political subdivision in which an armory, air base or naval installation is located, outside parties of a nonmilitary or state governmental nature may use or serve intoxicating liquors in conformity with rules and regulations of the liquor control commission, if not in violation of any other local ordinance, state or federal law or regulation.

History: 1967, Act 150, Imd. Eff. June 30, 1967
Admin Rule: R 32.1 et seq. of the Michigan Administrative Code.

32.737 Use of property for production of film; authorization; prohibited use; cooperation with Michigan film office; definitions.

Sec. 337.

(1) The adjutant general may authorize a person engaged in the production of a film in this state to use without charge property owned by or under the control of the department of military and veterans affairs for the purpose of producing a film under terms and conditions established by the adjutant general. The economic and other benefits to this state of film production located in this state shall be deemed to be the value received by this state in exchange for the use of property under this section.

(2) The adjutant general shall not authorize the use of property owned by or under the control of the department of military and veterans affairs for the production of a film that includes obscene matter or an obscene performance or for a production for which records are required to be maintained with respect to any performer under 18 USC 2257.

(3) The department of military and veterans affairs shall cooperate with the Michigan film office in providing the office with information about potential film locations owned by or under the control of the department of military and veterans affairs and the use of property owned by or under the control of the department of military and veterans affairs.

(4) As used in this section:

(a) "Film" means single media or multimedia entertainment content for distribution or exhibition to the general public by any means and media in any digital media format, film, or videotape, including, but not limited to, a motion picture, a documentary, a television series, a television miniseries, a television special, interstitial television programming, long-form television, interactive television, music videos, interactive games, video games, commercials, internet programming, an internet video, a sound recording, a video, digital animation, or an interactive website.

(b) "Michigan film office" means the office created under chapter 2A of the Michigan strategic fund act, 1984 PA 270, MCL 125.2029 to 125.2029g.

(c) "Obscene matter or an obscene performance" means matter described in 1984 PA 343, MCL 752.361 to 752.374.

History: Add. 2008, Act 81, Imd. Eff. Apr. 8, 2008

32.738 Possession of concealed weapon; compliance with state laws.

Sec. 338.

(1) An individual who is licensed to carry a concealed pistol, or who is exempt from licensure, under 1927 PA 372, MCL 28.421 to 28.435, may possess a concealed weapon either on his or her person or properly secured while on the premises of an armory or any other building or property under the authority and control of the adjutant general.

(2) An individual described in subsection (1) shall comply with the requirements of 1927 PA 372, MCL 28.421 to 28.435, and any other state law pertaining to concealed weapons and firearms.

(3) The adjutant general shall not promulgate rules unduly burdening on the ability of military personnel to possess a concealed weapon as described in subsection (1).

History: Add. 2018, Act 686, Eff. Mar. 29, 2019

32.740 Adjutant general; preparation of federal and state reports and returns.

Sec. 340.

The adjutant general shall make returns and prepare reports required by federal laws and regulations and shall submit a biennial report of the state military establishment to the governor and the legislature.

History: 1967, Act 150, Imd. Eff. June 30, 1967

Chapter 6
ARMORIES AND RESERVATIONS

32.750 Armories; acquisition, management, use.

Sec. 350.

Armories shall be provided for the use of the state military establishment as training centers and for the storage and safekeeping of military supplies and equipment. Armories shall be acquired, managed and used as provided in this chapter.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.752 Armories and military facilities; operation and control by adjutant general; application for funds.

Sec. 352.

The operation and control of armories and other military facilities shall be in accordance with policies established by the adjutant general. He shall apply to the legislature and the federal government for funds for the purpose of operating and maintaining armories and other military facilities. He shall apply to the legislature, local units of government or the federal government for funds to acquire, construct, lease and equip armories and other military facilities.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.754 Armory manager; duties; rental of armories to outside parties.

Sec. 354.

The adjutant general may designate an armory manager for each armory of the state military establishment, with the duty of operating and maintaining the armory pursuant to law and regulations promulgated by the adjutant general. The armory manager may rent or otherwise authorize the use of the armory to outside parties for temporary purposes subject to regulations of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013
Admin Rule: R 32.1 et seq. of the Michigan Administrative Code.

32.756 Armories and military facilities; subject to state sanitation, health, fire protection and prevention, and special regulations.

Sec. 356.

State-owned or leased armories and other military buildings and appurtenances are subject to state laws and regulations with respect to sanitation, health, fire protection and prevention and such special regulations as the legislature or the governor may enact or adopt.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.760 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's Notes: The repealed section pertained to appointment, duties, and terms of state military board members.

32.762 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's Notes: The repealed section pertained to meetings, elections, and conduct of business of state military board.

32.764 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's Notes: The repealed section pertained to meetings, elections, and conduct of business of state military board.

32.766 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's Notes: The repealed section pertained to actions taken by military board.

32.768 Gifts of property and money; purpose; deposit and use of money; acceptance and execution of deeds.

Sec. 368.

The adjutant general may receive from the federal and local governments, corporations, individuals, or other sources, gifts of property and money to aid in providing, erecting, or improving armories or other facilities, or training areas and other surrounding lands throughout this state for the use of the state military establishment. All gifts of money received under this section shall be deposited by the state treasurer in the Michigan national guard armory construction fund created in section 382a and shall be used as provided in that section. When a deed to land has been presented to and accepted by the adjutant general for an armory site and the adjutant general deems it necessary to change the location of the site, the adjutant general may accept a new deed or relinquish the rights of this state in the lands covered by the prior deed without prejudice to the right of priority of the local government to the erection of an armory on the land. The adjutant general has authority to do any act and execute any deeds to carry out the provisions of this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1992, Act 307, Eff. Mar. 31, 1993 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.772 Title to real property.

Sec. 372.

The adjutant general may take title to real property to be used for military purposes in the name of this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.772a Property used for military purposes.

Sec. 372a.

If the governor declares military property or any part of military property to be a vital resource of the state, the adjutant general may limit access to and from property used for military purposes if necessary for the protection of military personnel, installations, property, or vital resources or if necessary to protect the public health, safety, and welfare of the citizens of this state.

History: Add. 2002, Act 133, Eff. May 1, 2002

32.774 Condemnation of property for military purposes.

Sec. 374.

The adjutant general may condemn property for armory building sites and military training areas in accordance with the laws of this state.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.776 Granting of easements; public utilities; restrictions.

Sec. 376.

The adjutant general may grant easements under and over any state-owned real property under the jurisdiction and control of the state military establishment. An easement shall not be granted for the benefit of a public utility unless the board determines that it is in the public interest and will not adversely affect the use of the property for military purposes.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.778 Deed of property for erection of armory.

Sec. 378.

When a site is deeded to this state for the erection of an armory, and thereafter any person or local government or combination of local governments wish to deed to this state another site, and the adjutant general after inspection believes that the new site is superior to the old site, the adjutant general may accept the new site after an examination of the title has been made by the attorney general, and deed the old site to the grantor deeding the new site to the state.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.780 Local zoning ordinances; applicability; conformance to local government master plan.

Sec. 380.

State-owned or leased armories and accessory buildings, military warehouses, arsenals and storage facilities for military equipment, and lands and appurtenances required for the construction of armories or buildings, are not subject to zoning or building ordinances of any

local government. The adjutant general shall take cognizance of local zoning ordinances and restrictions in the selection and acceptance of lands for armory or other military buildings and shall conform as nearly as possible to master plans of the local governments where it may be done without impairing the convenience and usefulness of the armories and buildings.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.782 Armories, military facilities, and lands; disposal; approval by state administrative board; report to legislative committees.

Sec. 382.

(1) The adjutant general may dispose of Michigan national guard armories, facilities, or lands under the jurisdiction of the state military establishment if, in the judgment of the adjutant general, the armory, facility, or land is obsolete, inadequate, unusable, or no longer required for Michigan national guard purposes. The disposal shall be by sale for fair market value or by exchange at fair market value for other lands owned by private persons or entities, local units of government, or the federal government.

(2) Disposal of armories, facilities, or land under this section shall be in accordance with policies established by the adjutant general and in accordance with procedures established by the department of technology, management, and budget. Each disposal action also shall be subject to approval by the state administrative board.

(3) Not later than July 31, 1993, and July 31 of each year thereafter, the department of military and veterans affairs shall report to the standing committees of the senate and house of representatives that are responsible for legislation concerning military affairs, and to the senate and house appropriations committees, as to the actions taken by the department under this section during the preceding reporting period.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1992, Act 307, Eff. Mar. 31, 1993 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.782a Michigan national guard armory construction fund; creation; depositing money into fund; reversion; expenditure; purpose; investing unexpended portion and crediting earnings.

Sec. 382a.

(1) The Michigan national guard armory construction fund is created as a separate fund in the state treasury. All money received as gifts under section 368 or from sales, transfers, or exchanges under section 382 shall be deposited by the state treasurer in the Michigan national guard construction fund. Money in the fund shall not revert to the general fund at the close of the fiscal year but shall remain in the fund.

(2) Money in the Michigan national guard construction fund shall be expended by the state treasurer at the exclusive direction of the adjutant general for the purpose of acquiring facilities and training lands and constructing new facilities. Each expenditure from the fund shall be subject to appropriation by the legislature. The unexpended portion of the fund shall be invested by the state treasurer and the earnings on the fund shall be credited to the fund at the state treasurer's common cash investment income rate.

History: Add. 1992, Act 307, Eff. Mar. 31, 1993 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.784 Camp Grayling military reservation; title.

Sec. 384.

The adjutant general shall hold title to the camp Grayling military reservation under the terms of the deed from the Hanson estate and in accordance with the provisions of 1913 PA 172, MCL 32.221 to 32.226.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.788 Camp Grayling; transfer; control, exchange, or sale of lands; approval of legislature.

Sec. 388.

The department of natural resources shall transfer to the adjutant general such lands under its control as competent authority shall direct. These lands shall form a part of the camp Grayling military reservation and shall be supervised and controlled by the adjutant general, except that hunting shall not be prohibited on the lands. The adjutant general may with approval of the legislature exchange or sell any lands transferred to it under this act in order to obtain any other lands, oil and mineral rights excepted, whether owned by private interests or by the United States government, within the external boundaries of the camp Grayling military reservation as enlarged by this act, and may make all necessary conveyances to effect the exchanges and sales.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.790 Repealed. 2013, Act 99, Imd. Eff. July 2, 2013.

Compiler's Notes: The repealed section pertained to report to adjutant general and governor.

Chapter 7
RETIREMENT

32.801 Retirement; national guard and defense force personnel.

Sec. 401.

Except in time of war or national emergency declared by the congress of the United States, officers, warrant officers and enlisted personnel shall be retired at the highest rank they have held, from active service with the national guard prior to/or upon reaching age 62, and their names shall be placed on the state military retired list. Officers, warrant officers and enlisted personnel of the defense force serving this state during an emergency or war are eligible for retirement and enrollment on the state military retired list under the same conditions as apply to officers, warrant officers and enlisted personnel of the national guard.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.803 Officers; transfers to the inactive national guard; discharge upon resignation.

Sec. 403.

An officer not being under charges may be transferred to the inactive national guard, as provided by federal law and regulation, on his own application, or upon acceptance of his resignation he may be discharged.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.805 Retired national guard officers; enrollment on military retirement list.

Sec. 405.

An officer who has served in the national guard, upon honorable retirement from active service whether on his own application or otherwise, may be carried on the state military retired list maintained in the office of the adjutant general.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.806 Retired personnel; return to active service, removal from military retirement list.

Sec. 406.

If due to a change of physical condition or a change in federal law, rule or regulation, a retired person again becomes eligible for service in the Michigan national guard or defense forces, and for federal recognition in the case of officers, and becomes active in the Michigan national guard or defense force, his name shall be removed from the retired list without prejudice to him.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.807 Retired personnel; pay or emoluments; recall to active duty; restoration to retirement status.

Sec. 407.

Except as otherwise provided in this act, no person on the state military retired list is entitled to receive any pay or emolument from the state for military duty during the time he remains on the retired list. Nothing in this act shall be construed to prohibit the governor from recalling to active service an officer theretofore or hereafter retired or from temporarily removing the officer from the retired list for the purpose of recalling or recommissioning such officer for active service. The officer so recalled to active service or recommissioned shall be restored to his prior retirement status in the same or higher attained rank when he is relieved and applies for such retirement.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.809 Retired officers; eligibility for court detail or other specific temporary special duty; compensation; restoration to retirement status.

Sec. 409.

Any retired officer is eligible for detail to any court constituted under orders of the governor and for any other specific temporary special duty for periods not to exceed 30 days without his consent when so ordered by the governor with pay and allowances of his rank when retired. His retired pay is suspended during the period he is serving on such special duty.

The officer so recalled shall be restored to his prior retirement rank and status when relieved from such special duty.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.810 "Eligible surviving spouse" defined; retirement pay; survivor's benefit for eligible surviving spouse; retirement pay received from federal government for military service.

Sec. 410.

(1) For purposes of this section, "eligible surviving spouse" means the person to whom the deceased officer or enlisted person was married preceding the death of the officer or enlisted person, or to whom the deceased retired officer or retired enlisted person was married at the time of retirement.

(2) An adjutant general or assistant adjutant general who retires or is relieved due to a new governor assuming office will receive pay and benefits as defined by section 306.

(3) If an adjutant general or assistant adjutant general who continues on special duty on or after the date the officer acquires 15 years of active service dies before retirement as provided in section 306 and subsection (2) and leaves an eligible surviving spouse, the eligible surviving spouse shall be paid a survivor's benefit equal to 67% of the retired pay to which the officer would have been authorized had the officer retired the day preceding death.

(4) If an adjutant general or assistant adjutant general who retires is receiving retirement pay as provided in section 306 and subsection (2) dies and leaves an eligible surviving spouse, the eligible surviving spouse shall begin receiving 50% of the retirement pay of the officer.

(5) Officers, other than the adjutant general and assistant adjutants general, who are appointed to state special duty prior to July 1, 2013 because of having reached the maximum age or because of federal law or regulation and retire shall receive retirement pay as provided in section 306. Retirement under this section requires not less than 20 years' active service with the national guard or state defense force, or both. Any retirement pay received from the federal government for military service shall be deducted when computing the amount received from this state. The deduction shall start on the first day of the month the person becomes eligible for federal retirement. Once established, the amount of the deduction shall not be changed.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1980, Act 145, Imd. Eff. June 5, 1980 ;-- Am. 2013, Act 99, Imd. Eff. July 2, 2013

32.811 Retirement on completion of not less than 20 years of active service; eligibility; annual amount; amount to be received by spouse upon death of person.

Sec. 411.

(1) A person who has completed not less than 20 years of active service with the national guard or defense force, or both, may retire and receive retirement pay under 1 or more of the following circumstances:

(a) Attainment of 62 years of age.

(b) Ineligibility, because of federal law or regulation, for further federal recognition in the person's current grade because of age or length of service, and termination of the person's commission or enlistment in the national guard of the United States.

(c) Withdrawal of the person's federal recognition and termination of the person's commission or enlistment in the national guard of the United States because of physical disqualification from further service.

(d) Separation from the national guard or defense force under an honorable circumstance.

(2) A person who retires under subsection (1)(a) shall receive pay of $600.00 per year. A person who retires under subsection (1)(b), (c), or (d) shall receive pay of $600.00 per year upon reaching 55 years of age.

(3) Upon the death of a person who has completed not less than 20 years of active service with the national guard or defense force, or both, and who before his or her death met 1 of the circumstances described in subsection (1)(b), (c), or (d), or was still in active service, a surviving spouse shall receive $500.00 per year until death.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1980, Act 280, Imd. Eff. Oct. 9, 1980 ;-- Am. 1996, Act 497, Imd. Eff. Jan. 9, 1997 ;-- Am. 2000, Act 472, Imd. Eff. Jan. 11, 2001

32.815 Retirement pay; limitations on eligibility.

Sec. 415.

Any person receiving retirement pay under the provisions of sections 306, 410 or 431 shall not be eligible for retirement pay under provisions of section 411.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.817 Active service; definition.

Sec. 417.

For the purposes of establishing eligibility for retirement pay, "active service" shall consist of any of the following:

(a) Active service in the Michigan national guard or Michigan defense force as an officer or enlisted man or both.

(b) Federal service in response to a call or order of the president in time of declared national emergency when such service is not voluntary.

(c) Voluntary active duty in the service of the United States by members of the state military establishment, not in response to a call or order of the president in time of declared national emergency, shall be considered as active service only when such duty is in support of a national guard mission. Any fractional part of a year amounting to 6 months or more is counted as a complete year. Active service is terminated by an honorable separation from the Michigan national guard or defense force.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.821 Repealed. 2000, Act 427, Imd. Eff. Jan. 9, 2001.

Compiler's Notes: The repealed section pertained to special retirement board.

32.825 Retirement of full-time employees of military establishment; exceptions; state employees' retirement system.

Sec. 425.

Full-time employees of the military establishment, except the adjutant general, the assistant adjutants general and persons holding other unclassified military positions, shall receive retirement as provided for in the Michigan state employees' retirement system.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.831 Previously retired personnel; retirement pay; deductions; service credits, accrual.

Sec. 431.

The retired status of officers, warrant officers and enlisted personnel previously retired under the provisions of Act No. 84 of the Public Acts of 1909, as amended, being sections 32.1 to 32.85 of the Compiled Laws of 1948, shall be continued under the provisions of this act, but the rate of such retirement pay shall not be increased or decreased because of the provisions of this act. The deductions made from retirement pay by evidence of federal retirement as provided in section 49c of Act No. 84 of the Public Acts of 1909, as presently or subsequently established shall remain the same and shall not change the retirement pay received from the state. Personnel of the military establishment who, on the effective date of this act, have been members of the national guard or defense force or both for a period of not less than 15 years, shall receive service credits earned and shall continue to accrue credits for retirement purposes under the provisions of Act No. 84 of the Public Acts of 1909, as amended, which requires 10 years of actual duty service. Retirement compensation of warrant officers and enlisted men shall be computed in the same manner as retirement compensation of officers notwithstanding the provisions of section 49 of Act No. 84 of the Public Acts of 1909, being section 32.49 of the Compiled Laws of 1948. Those persons who have not had 15 years service with the national guard or defense force on the effective date of this act shall not continue to accrue service credits toward retirement under previous legislation unless they are full-time employees of the state military establishment as provided in this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.833 Transfer of officer, warrant officer or enlisted person to state civil service; election as to transfer of retirement credits; computation of retirement; forfeiture of other retirement.

Sec. 433.

(1) An officer, warrant officer or enlisted person who enters a civilian position and is transferred to state civil service by virtue of this act and who has not less than 5 years of actual duty service as defined in Act No. 84 of the Public Acts of 1909, as amended, being sections 32.35 to 32.49c of the Michigan Compiled Laws, shall make a written statement within 60 days of the effective enactment date of this act, declaring whether he elects to remain under the military retirement system as outlined in Act No. 84 of the Public Acts of 1909, as amended, or transfer his retirement credits to the state employees' retirement system. Credits shall be so transferred without the employee being required to pay back employee costs and these credits shall be credited as employed years when computing retirement under the state employees' retirement system.

(2) An officer, warrant officer, or enlisted person who has not less than 5 years of actual duty service, having entered a position under state civil service before June 30, 1967, may transfer his retirement credits earned as of June 30, 1967 under Act No. 84 of the Public Acts of 1909, as amended, to the state employees' retirement system. A person making this election

shall pay into the state employees' retirement system the same percentage of his basic military pay earned for the years being transferred as would be paid into the system if the same amount was earned as of the effective date of this act. Credits so transferred shall be credited as employed years when computing retirement under the state employees' retirement system. A person making this election will forfeit any retirement otherwise entitled to under this act.

History: 1967, Act 150, Imd. Eff. June 30, 1967 ;-- Am. 1975, Act 282, Imd. Eff. Nov. 26, 1975

32.835 Retirement pay at age sixty; eligibility; deductions from state benefits.

Sec. 435.

Those eligible on or after the effective date of this act as provided in Act No. 84 of the Public Acts of 1909, as amended, shall receive retirement pay upon reaching age 60, provided they have been separated from the national guard or defense force for age, physical reasons or as a result of federal law or regulation and such separation was honorable and not self-generated. Deduction from state benefits made on evidence at federal retirement as provided in section 49c of Act No. 84 of the Public Acts of 1909, as amended by Act No. 134 of the Public Acts of 1952, shall continue to be made.

History: 1967, Act 150, Imd. Eff. June 30, 1967

32.851 Repeals.

Sec. 451.

Sections 1 to 7, 7a, 7b, 7c, 8 to 33, 36 to 41, 43, 44, 45, 45a, 45c, 46, 47, 47a, 48, 50 to 53, 61 to 66, 68 to 81, 83 and 85 of Act No. 84 of the Public Acts of 1909, as amended, being sections 32.1 to 32.7, 32.7a, 32.7b, 32.7c, 32.8 to 32.33, 32.36 to 32.41, 32.43, 32.44, 32.45, 32.45a, 32.45c, 32.46, 32.47, 32.47a, 32.48, 32.50 to 32.53, 32.61 to 32.66, 32.68 to 32.81, 32.83 and 32.85 of the Compiled Laws of 1948, Act No. 237 of the Public Acts of 1909, being section 32.141 of the Compiled Laws of 1948, Act No. 198 of the Public Acts of 1909, being section 32.121 of the Compiled Laws of 1948, Act No. 174 of the Public Acts of 1909, being sections 32.151 to 32.153 of the Compiled Laws of 1948, Act No. 200 of the Public Acts of 1909, being section 32.171 of the Compiled Laws of 1948, Act No. 7 of the Public Acts of 1912, being sections 32.191 to 32.195 of the Compiled Laws of 1948, Act No. 6 of the Public Acts of 1899, being section 32.201 of the Compiled Laws of 1948, Act No. 250 of the Public Acts of 1915, being sections 32.211 and 32.212 of the Compiled Laws of 1948, section 4 of Act No. 172 of the Public Acts of 1913, as amended by Act No. 31 of the Public Acts of 1952, being section 32.224 of the Compiled Laws of 1948 and Act No. 345 of the Public Acts of 1927, being sections 32.251 to 32.256 of the Compiled Laws of 1948, are repealed.

History: 1967, Act 150, Imd. Eff. June 30, 1967

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2005-3

32.861 Transfer of powers and duties of state military board to department of military and veterans affairs by type III transfer; dissolution and abolishment of state military board.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963, empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the armed forces of the State of Michigan;

WHEREAS, under the Michigan Military Act, 1967 PA 150, MCL 32.501 to 32.851, the State Military Board participates in an advisory capacity in the preparation of plans and specifications for armory construction and of letting contracts for their erection and equipment in accordance with established state procedures;

WHEREAS, under the Michigan Military Act, 1967 PA 150, MCL 32.501 to 32.851, actions of the State Military Board must be submitted to the Adjutant General and through him or her to the Governor for approval;

WHEREAS, elimination of the State Military Board will eliminate redundant functions, increasing the efficiency and effectiveness of the Department of Military and Veterans Affairs and of the military establishment of the State of Michigan;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Military and Veterans Affairs" or "Department" means the principal department of state government created as the Department of Military Affairs under Section 125 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.225, and renamed the "Department of Military and Veterans Affairs" under Executive Order 1997-7, MCL 32.91.

B. "State Administrative Board" means the board created under Section 1 of 1921 PA 2, MCL 17.1.

C. "State Military Board" means the state military board created under 1909 PA 84, transferred by Type I Transfer to the Department of Military Affairs under Section 127 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.227, and provided for as a 5-member advisory board under Section 360 of the Michigan Military Act, 1965 PA 150, MCL 32.760.

D. "Type I Transfer" means that term as defined under Section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

E. "Type III Transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER

A. All of the authority, powers, functions, duties, and responsibilities of the State Military Board are transferred by Type III Transfer to the Department of Military and Veterans Affairs, including, but not limited to, the authority, powers, functions, duties, and responsibilities of the State Military Board under any of the following:

1. 1943 PA 37, MCL 32.181 to 32.182 (Easements; Armory of 182nd Field Artillery).

2. 1934 (1st Ex Sess) PA 28, MCL 32.241 (Hanson Military Reservation).

3. 1913 PA 172, MCL 32.221 to 32.226 (Crawford County Land).

4. 1919 PA 287, MCL 32.231 to 32.236 (Hanson Military Reservation).

5. Chapter 6 of the Michigan Military Act, 1967 PA 150, MCL 32.750 to 32.790 (armories and reservations).

B. All of the authority, powers, functions, duties, and responsibilities of the Governor to approve actions of the State Military Board under Section 366 of the Michigan Military Act, 1967 PA 150, MCL 32.766, are transferred to the State Administrative Board.

C. The State Military Board is dissolved and abolished.

III. IMPLEMENTATION

A. The Adjutant General shall provide executive direction and supervision for the implementation of the transfer under this Order. The functions transferred shall be administered under the direction and supervision of the Adjutant General.

B. All records, personnel, property, and funds used, held, employed, available, or to be made available to the State Military Board for the activities, powers, duties, functions, and responsibilities transferred under this Order, are transferred to the Department.

C. Any authority, duties, powers, functions, and responsibilities transferred under this Order, and not otherwise mandated statutorily, may in the future be reorganized to promote efficient administration by the Adjutant General.

D. The Adjutant General may perform a duty or exercise a power conferred by law or executive order upon the Adjutant General at the time and to the extent the duty or power is delegated to the Adjutant General by law or order.

E. The Adjutant General may by written instrument delegate within the Department a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Adjutant General.

F. The Adjutant General shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make organizational changes within the Department as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

IV. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system related to this Order for the remainder of the fiscal year.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

History: 2005, E.R.O. No. 2005-3, Eff. Apr. 17, 2005

MICHIGAN CODE OF MILITARY JUSTICE OF 1980

Act 523 of 1980

AN ACT to provide a uniform code of military justice for the state military forces; and to repeal certain acts and parts of acts.

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

The People of the State of Michigan enact:

Article 1

32.1001 Short title.

Sec. 1.

This act shall be known and may be cited as the "Michigan code of military justice of 1980".

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

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

32.1003 Applicability; subject matter jurisdiction; convening and holding courts-martial and courts of inquiry out of state; offenses committed out of state; trial and punishment.

Sec. 3.

(1) This code applies to all members of the state military forces at all times, except when in federal service.

(2) This code applies to an individual subject to this code while serving out of state and while going to and returning from the service out of state to the same extent as an individual serving within this state.

(3) Subject matter jurisdiction is established if the individual subject to this code was on any type of duty status with the state military forces at the time of the offense, including travel to and from the duty site or station or, if the individual subject to this code was not on any type of duty status with the state military forces at the time of the offense, a nexus exists between the offense and the state military forces.

(4) Courts-martial and courts of inquiry may be convened and held in units of the state military forces while serving out of state with the same jurisdiction and powers as if held within this state. Offenses committed out of state may be tried and punished either out of state or within this state.

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

32.1004 Relieving person from trial by court-martial; limitation; trial by court-martial of person charged with fraudulently obtaining discharge; effect of conviction.

Sec. 4.

(1) Subject to the limitation of actions under section 43, a person who is subject to this code and charged with an offense under this code is not relieved from a trial by court-martial because his or her military service is terminated.

(2) Each person discharged from the state military forces who is later charged with having fraudulently obtained his or her discharge, except as provided in section 43, is subject to trial by court-martial on that charge and is, after apprehension, subject to this code while in the custody of the military for that trial. Upon conviction of fraudulently obtaining a discharge, the person is subject to trial by court-martial for an offense under this code committed before the fraudulent discharge.

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

32.1005 Application by dismissed officer for trial by court-martial; convening general court-martial; jurisdiction; waiver of right to plead statute of limitations; affirming dismissal; substituting discharge authorized for administrative issuance; reappointment of officer.

Sec. 5.

(1) If an officer, dismissed by order of the governor by reason of an alleged violation of this code, makes written application for trial by court-martial to the governor, setting forth, under oath, that he or she has been wrongfully dismissed, the governor within 6 months shall convene a general court-martial to try the officer on the charge on which the officer was dismissed. A court-martial so convened shall have jurisdiction to try the dismissed officer on the charge. The officer shall be held to have waived the right to plead any statute of limitations applicable to an offense with which the officer is charged. The court-martial, as a part of its sentence, may affirm the dismissal. However, if the court-martial acquits the accused or if the sentence, as finally approved or affirmed, does not include dismissal, the adjutant general shall substitute for the dismissal ordered by the governor a form of discharge authorized for administrative issuance.

(2) If the governor fails to convene a general court-martial within 6 months after the presentation of an application for trial under this section, the adjutant general shall substitute for the dismissal ordered by the governor a form of discharge authorized for administrative issuance.

(3) If a discharge is substituted for a dismissal under the authority of this section, the governor may reappoint the officer to the commissioned rank and precedence as in the opinion of the governor the former officer would have attained had the officer not been dismissed. The reappointment of the former officer may be made if a position vacancy is available under applicable tables of organization. The time between the dismissal and the reappointment shall be considered as service for all state purposes.

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

32.1006 State staff judge advocate; appointment; eligibility; inspections; communications; individual acting in court-martial case prohibited from acting as staff judge advocate or judge advocate to, or as a member of, reviewing authority or military appeals tribunal on same case.

Sec. 6.

(1) The adjutant general shall appoint an officer of the state military forces as state staff judge advocate. To be eligible for appointment, an officer must be licensed to practice law in this state, and have practiced law in this state for at least 5 years, and must be a commissioned officer of the rank of lieutenant colonel or higher in the judge advocate general's corps.

(2) The state staff judge advocate or the state staff judge advocate's delegate shall make frequent inspections in the field in the supervision of the administration of military justice.

(3) Each convening authority shall communicate directly with its staff judge advocate or judge advocate in matters relating to the administration of military justice. The staff judge advocate or judge advocate of a command is entitled to communicate directly with the staff judge advocate or judge advocate of a superior or subordinate command, or with the state staff judge advocate.

(4) An individual who has acted as member, military judge, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer in a court-martial case shall not act later as staff judge advocate or judge advocate to a reviewing authority or to the military appeals tribunal or be a member of a reviewing authority or a member of the military appeals tribunal on the same case.

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

32.1006a Victim rights; designation of representative; construction of section; appeals; procedures and protections; victim interviews.

Sec. 6a.

(1) A victim of an offense under this code has the rights conferred by state law in nonmilitary courts, including, but not limited to, all of the following:

(a) The right to be reasonably protected from the accused.

(b) The right to reasonable, accurate, and timely notice provided by military trial counsel of all of the following:

(i) A public hearing concerning the continuation of confinement before the trial of the accused.

(ii) An investigation under section 32.

(iii) A court-martial relating to the offense, including all related motions, hearings, pleas, sentencing hearings, alterations or suspensions, and all related filed documents.

(iv) A public proceeding of the service clemency and parole board relating to the offense.

(v) The release or escape of the accused, unless notice may endanger the safety of any individual.

(c) The right to not be excluded from any public hearing or proceeding described in subdivision (b), unless the military judge or investigating officer under section 32, as applicable, after receiving clear and convincing evidence, determines that testimony by the victim of an offense under this code would be materially altered if the victim heard other testimony at that hearing or proceeding.

(d) The right to be reasonably heard at all of the following:

(i) A public hearing concerning the continuation of confinement before the trial of the accused.

(ii) A sentencing hearing relating to the offense.

(iii) A proceeding involving clemency and parole related to the offense.

(iv) Any public military proceedings, including appeals, in connection with the victim's legal rights where those rights are implicated.

(e) The reasonable right to confer beforehand with the counsel representing the government at a proceeding described in subdivision (b).

(f) The right to receive full restitution before a forfeiture may be received by the military as provided by law.

(g) The right to proceedings free from unreasonable delay.

(h) The right to be treated with fairness and with respect for the dignity and privacy of the victim of an offense under this code.

(2) If a victim of an offense under this code is under 18 years of age but is not a member of the military, or is incompetent, incapacitated, or deceased, the military judge shall designate a representative of the estate of the victim, a family member, or another suitable individual who must not be the accused to assume the victim's rights under this section.

(3) This section shall not be construed to do any of the following:

(a) Authorize a cause of action for damages.

(b) Create, enlarge, or imply a duty or obligation to a victim of an offense under this code or other individual for breach of which this state or any of its officers or employees could be held liable for damages other than restitution.

(c) Impair the exercise of discretion under section 30 or 34.

(4) If the victim of an offense under this code believes that an investigating officer ruling under section 32 or a court-martial ruling violates the rights of the victim afforded by a provision specified in subsection (7), the victim may file an interlocutory appeal to the military appeals tribunal, and an automatic stay of the military proceedings takes effect on the filing of the notice of appeal until final disposition of the appeal in order to require the investigating officer or the court-martial to comply with the provision.

(5) If the victim of an offense under this code is subject to an order to submit to a deposition, whether or not the victim is available to testify at the court-martial trying the accused for the offense, the victim may appeal that order in the same manner described in subsection (4) to the military appeals tribunal to quash the order.

(6) An appeal described in subsection (4) or (5) must be forwarded directly to the chairperson of the military appeals tribunal, by means that may be prescribed by the governor, and, to the extent practicable, must have priority over all other proceedings before the military appeals tribunal.

(7) Subsection (4) applies to the protections afforded by all of the following:

(a) This section.

(b) Section 32.

(c) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim's sexual behavior or predisposition.

(d) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

(e) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

(f) Military Rule of Evidence 615, relating to the exclusion of witnesses.

(8) On notice by counsel for the government to counsel for the accused of the name of an alleged victim of an offense under this code whom counsel for the government intends to call as a witness at a proceeding under this code, counsel for the accused shall make any request to interview the victim through the special victims' counsel or other counsel for the victim, if applicable.

(9) If requested by an alleged victim who is subject to a request for interview under subsection (8), any interview of the victim by counsel for the accused must take place only in the presence of the counsel for the government, a counsel for the victim, or, if applicable, a victim advocate.

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

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
Admin Rule: 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

Article 3

32.1015 Disciplinary punishment for minor offense; imposition of punishment upon enlisted member by officer in charge; suspension, remission, or mitigation of punishment; appeal; disciplinary punishment not bar to trial by court-martial; records of proceedings; right to demand trial by court-martial; applicability of forfeiture to pay and allowances.

Sec. 15.

(1) Under regulations promulgated under this code, a commanding officer, in addition to or instead of an admonition or reprimand, may impose disciplinary punishment for a minor offense on an officer under that commanding officer's command without the intervention of a court-martial with 1 of the following:

(a) Restrictions to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days.

(b) If imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command:

(i) Arrest in quarters for not more than 15 consecutive days.

(ii) Forfeiture of not more than 1/2 of 1 month's pay per month for 2 months.

(iii) Restrictions to certain specified limits with or without suspension from duty, for not more than 15 consecutive days.

(2) Under regulations promulgated under this code, a commanding officer, in addition to or instead of an admonition or reprimand, may impose disciplinary punishment for a minor offense on other military personnel under that commanding officer's command without the intervention of a court-martial with 1 or more of the following:

(a) Forfeiture of not more than 7 duty days' pay.

(b) Reduction to the next inferior pay grade, if the individual is in the pay grade of E4 or below.

(c) Extra duties, including fatigue or other duties for not more than 15 consecutive days and not more than 2 hours per day. No extra duties may be imposed that constitute known safety or health hazards to the individual, that constitute cruel or unusual punishment, or that are not sanctioned by the customs of the military. Extra duties assigned as punishment of noncommissioned officers or any other enlisted individuals must not be of a kind that demeans the recipient's grade or position.

(d) Restrictions to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days.

(e) If imposed by an officer of the rank of major or above on other military personnel under that officer's command, the punishment may include 1 or more of the following:

(i) Forfeiture of not more than 15 duty days' pay.

(ii) Reduction to the lowest or an intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction, except that an enlisted member in a pay grade above E4 may not be reduced more than 2 pay grades.

(iii) Extra duties, including fatigue or other duties, for not more than 15 consecutive days. No extra duties may be imposed that constitute known safety or health hazards to the individual, that constitute cruel or unusual punishment, or that are not sanctioned by customs of the military. Extra duties assigned as punishment of noncommissioned officers or any other enlisted individuals must not be of a kind that demeans the recipient's grade or position.

(iv) Restrictions to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days.

(3) Two or more disciplinary punishments of arrest in quarters, extra duties, and restriction must not be combined to run consecutively in the maximum amount imposed for each. If any of those punishments are combined to run consecutively, the commanding officer shall apportion the punishment.

(4) An officer in charge may impose upon an enlisted member assigned to the unit of which the officer is in charge a punishment authorized under subsection (2) as the adjutant general concerned may specifically prescribe by rule.

(5) The officer who imposes the punishment, or the successor in command, may, at any time, suspend, set aside, mitigate, or remit any part or amount of the punishment and restore all rights, privileges, and property affected. The officer may also mitigate reduction in grade to forfeiture of pay, mitigate arrest in quarters to restriction, or mitigate extra duties to restriction. The mitigated punishment may not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture may not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated.

(6) An individual punished under this section who considers the punishment received as unjust or disproportionate to the offense, through the proper channel, may appeal to the next superior authority. The appeal must be made not later than 45 days after the punishment is adjudged. The appeal must be promptly forwarded and decided, and the individual punished must not be required to undergo the punishment adjudged before a decision on the appeal is rendered. The superior authority may exercise the same powers to mitigate the punishment imposed as may be exercised under subsection (5) by the officer who imposed the punishment. The authority who is to act on the appeal shall refer the case to a judge advocate for consideration and advice before acting on the appeal.

(7) The imposition and enforcement of disciplinary punishment under this section for an act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission and not properly punishable under this section. The fact that disciplinary punishment has been enforced may be shown by the accused at trial, and if shown must be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(8) The adjutant general, by regulation, may prescribe the form of records to be kept of proceedings under this section and may also prescribe that certain categories of those proceedings must be in writing.

(9) Before disciplinary action is taken by the commanding officer or officer in charge under this section, the commanding officer or officer in charge shall determine whether arrest in quarters or restriction are to be considered as punishments. If the officer determines that the punishment options may include arrest in quarters or restriction, the accused must be notified of the right to demand trial by court-martial. If the officer determines that the punishment options will not include arrest in quarters or restriction, the accused must be notified that there is no right to trial by court-martial in lieu of nonjudicial punishment.

(10) If a punishment of forfeiture of pay and allowance is imposed as provided in this section, the forfeiture may apply to pay or allowances becoming due on or after the date of the punishment but must not apply to pay and allowances accrued before the date.

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
Admin Rule: R 32.101 et seq. and R 32.171 et seq. of the Michigan Administrative Code.

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-marital 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 Notes: The repealed section pertained to authority of court-martial to impose confinement instead of a fine.

Article 5

32.1022 General court-martial; convening by order of governor or state adjutant general.

Sec. 22.

A general court-martial may be convened by order of the governor or the state adjutant general.

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

32.1023 Special court-martial; convening authority.

Sec. 23.

Except as otherwise provided in this section, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a division, brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command, may convene a special court-martial. A special court-martial may also be convened by superior competent authority. If the commanding officer is an accuser, the court shall be convened by superior competent authority. A commanding officer shall not convene a special court-martial without the written consent of the adjutant general.

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

32.1024 Summary court-martial; convening authority.

Sec. 24.

Except as otherwise provided in this section, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a division, brigade, regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment, may convene a summary court-martial consisting of 1 commissioned officer who meets the qualifications of section 16(c). A commanding officer shall not convene a summary court-martial without the written consent of the adjutant general.

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

32.1025 Members for courts-martial; selection; eligibility; qualifications.

Sec. 25.

(1) Members for all courts-martial shall be selected at random pursuant to regulations issued by the state adjutant general not inconsistent with this section.

(2) A commissioned officer on duty with the state military forces is eligible to serve on all courts-martial for the trial of a person who may lawfully be brought before the court-martial for trial.

(3) A warrant officer on duty with the state military forces is eligible to serve on general and special courts-martial for the trial of a person, other than a commissioned officer, who may lawfully be brought before the court-martial for trial.

(4) An enlisted member of the state military forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member who may lawfully be brought before the court-martial for trial, but the enlisted member shall serve as a member of a court only if, before the convening of the court, the accused personally requested in writing that enlisted members serve on the court-martial. After the request, the accused may not be tried by a general or special courts-martial the membership of which does not include enlisted members in a number comprising at least 1/3 of the total membership of the court, unless eligible enlisted members cannot be obtained on account of physical conditions or military exigencies. If the members cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why enlisted members could not be obtained.

(5) Unless unavoidable, a person subject to this code shall not be tried by a court-martial which has a member junior to the person in rank or grade. When convening a court-martial, the convening authority shall detail as a member of the court-martial a person who is best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. A person is not eligible to serve as a member of a general or special court-martial if the person is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

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

32.1026 General or special court-martial; military judge; requirements; powers and duties.

Sec. 26.

(1) Subject to this section, a military judge must be detailed to each general or special court-martial.

(2) A military judge must be a commissioned officer who is licensed to practice law in this state and who is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military judge by the state staff judge advocate.

(3) A military judge must be detailed by the state staff judge advocate.

(4) The convening authority and any member of the staff of the convening authority shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge detailed under subsection (1) that relates to the military judge's performance of duty as a military judge.

(5) An individual is not eligible to act as military judge in a case if that individual is the accuser, is a witness for the prosecution, or has acted as investigating officer or as a counsel in that same case.

(6) A military judge shall not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, and shall not vote with the members of the court.

(7) A military judge shall rule finally on all matters of law, rule finally on all motions, and except as otherwise provided, decide all other questions raised at the trial of the accused.

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

32.1027 General and special court-martial; trial counsel and defense counsel; assistants.

Sec. 27.

(1) For each general and special court-martial, the convening authority shall request the state staff judge advocate to detail trial counsel and defense counsel, and those assistants as the convening authority considers appropriate. An individual who has acted as investigating officer, military judge, or court member in any case shall not act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. An individual who has acted for the prosecution shall not act later in the same case for the defense, nor shall an individual who has acted for the defense act later in the same case for the prosecution.

(2) Military trial counsel or military defense counsel for a general or special courts-martial shall be licensed to practice law in this state and certified as competent to perform those duties by the state staff judge advocate.

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

32.1028 General or special court-martial; court reporters; interpreters.

Sec. 28.

(1) The convening authority of a general or special courts-martial shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before the court-martial.

(2) The convening authority of a military court may detail or employ interpreters who shall interpret for the court-martial.

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

32.1029 General or special court-martial; members not to be absent or excused after arraignment; exceptions; reduction of membership below specified number; procedure.

Sec. 29.

(1) A member of a general or special courts-martial shall not be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge or by order of the convening authority for good cause.

(2) If a general court-martial is reduced below 8 members, the trial may not proceed unless the convening authority appoints new members sufficient in number to provide not less than 8 members. When the new members have been sworn, the trial may proceed after the recorded testimony of each witness previously examined has been read to the court-martial in the presence of the military judge, the accused, and counsel.

(3) If a special court-martial is reduced below 4 members, the trial may not proceed unless the convening authority appoints new members sufficient in number to provide not less than 4 members. When the new members have been sworn, the trial shall proceed as if no evidence had previously been introduced, unless a verbatim record of the testimony of previously examined witnesses or a stipulation of that testimony is read to the court-martial in the presence of the accused and counsel.

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

Article 6

32.1030 Preferring charges and specifications; signature; oath; disposition; informing accused of charges.

Sec. 30.

(1) Any person subject to this code may prefer charges.

(2) A person preferring charges and specifications shall sign the charges under oath before a person authorized by this code to administer oaths and shall state all of the following:

(a) That the signer has personal knowledge of, or has investigated, the matters set forth in the charges and specifications.

(b) That the charges and specifications are true in fact to the best of the signer's knowledge and belief.

(3) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made of the charges in the interest of justice and discipline, and the person accused shall be informed of the charges against him or her as soon as practicable.

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

32.1030a Appointment of military judge; proceedings; procedures and limitations; referral.

Sec. 30a.

(1) A military judge may be appointed to conduct proceedings to review, or otherwise act on, the following matters before referral of charges and specifications to court-martial in accordance with regulations promulgated under this code:

(a) Prereferral investigative subpoenas.

(b) Prereferral warrants or orders for electronic communications.

(c) Prereferral matters referred by an appellate court.

(d) Prereferral matters under section 6a(2).

(2) The regulations promulgated under subsection (1) must include both of the following as considered appropriate by the adjutant general:

(a) Procedures for the review of rulings that may be ordered under this section.

(b) Limitations on the relief that may be ordered under this section.

(3) If a matter in a proceeding under this section becomes a subject at issue with respect to charges that have been referred to a general or special court-martial, the matter must be transferred to the military judge detailed to the court-martial.

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

32.1031 Self-incrimination; interrogation of accused or suspect; compelling statement or evidence not material to issue and tending to degrade person; statements obtained from person not to be received in evidence; persons bound by requirements of section; duties of interrogator.

Sec. 31.

(1) A person subject to this code shall not compel another person to incriminate himself or herself or to answer any question the answer to which may tend to incriminate the person.

(2) A person subject to this code may not interrogate, or request any statement from, an accused or a person suspected of an offense without first informing the person of the nature of the accusation and advising the person that he or she does not have to make any statement regarding the offense of which the person is accused or suspected, that any statement made by the person may be used as evidence against the person in a trial, military or civil, that the person has a right to consult with a lawyer, that the person has a right to have a lawyer present during questioning, that the person has a right to request a lawyer and that upon request a lawyer will be provided without cost, or, if the person prefers, that the person may retain counsel of the person's choice at the person's own expense.

(3) A person subject to this code shall not compel another person to make a statement or produce evidence before a military court if the statement or evidence is not material to the issue and may tend to degrade the person.

(4) A statement obtained from a person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement shall not be received in evidence against the person in a trial by court-martial.

(5) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

(6) A person shall not interrogate or request a statement from another person subject to this code, regarding an offense of which the latter is accused or suspected until the interrogator does all of the following:

(a) Reads subsections (1) to (4) to the accused or suspect.

(b) Explains the provisions of subsections (1) to (4) to the person, including all of the following:

(i) The nature of the accusation.

(ii) That the accused or suspect does not have to make any statement regarding the offense.

(iii) That any statement made by the accused or suspect may be used against the person in a trial, military or civil.

(c) Explains to the accused or suspect that the accused or suspect has the right to consult with a lawyer before any questioning and that the lawyer may be a civilian lawyer of the person's choice retained at the person's own expense or may be a military lawyer appointed to act without cost to the person.

(d) Explains that the accused or suspect has a right to have a civilian or appointed military lawyer present during the interview.

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

32.1032 Investigation of matters set forth in charge or specification; conduct; formal report; contents; informing accused of rights and other matters; opportunity for cross-examination and for presentation; demand for further investigation.

Sec. 32.

(1) A charge or specification must not be referred to a general court-martial for trial until a thorough and impartial investigation of all matters set forth in the charge or specification has been made. The conduct of this investigation is the responsibility of the officer exercising special court-martial jurisdiction over the accused and must include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition that should be made of the case in the interest of justice and discipline. The investigating officer shall submit a formal report to the convening authority, the state staff judge advocate, and the accused. This report must include all of the following:

(a) A statement of the name, organization, or address of counsel and information as to the presence or absence of counsel throughout the proceedings if counsel has been requested by the accused.

(b) A summarized statement of all relevant testimony including the names and units, if applicable, of the individuals giving testimony.

(c) A statement indicating all sources of information considered by that officer in reaching conclusions or making recommendations.

(d) A statement of the names and units of all witnesses essential to the defense or prosecution of the case.

(2) Before an investigation initiated under this code, the accused must be informed of the accused's rights under section 31, including the right to counsel, in the manner provided in that section, and, in addition, must be informed of all of the following:

(a) The offense of which the accused is suspected, accused, or charged.

(b) The name of the accuser and the witnesses against the accused that are known by the investigating officer.

(c) The fact that charges are about to be investigated.

(d) The accused's right to cross-examine witnesses and to present anything by way of statement or otherwise the accused may desire in the accused's own behalf, either in defense, extenuation, or mitigation.

(3) At an investigation, full opportunity must be given to the accused to cross-examine witnesses if the witnesses are available, and to present anything the accused may desire in the accused's own behalf, either in defense or mitigation, and the investigation officer shall examine available witnesses requested by the accused.

(4) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsections (2) and (3), further investigation of that charge is not necessary under this section unless it is demanded by the accused after the accused is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer new evidence in the accused's own behalf.

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

32.1033 Officer exercising special court-martial jurisdiction over accused to forward charges to governor; report.

Sec. 33.

If a person is held for trial by a general court-martial, the officer exercising special court-martial jurisdiction over the accused shall, within 8 days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, through military channels to the governor, or if that is not practicable, the officer shall report in writing the reasons for the delay.

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

32.1034 Convening authority to refer charge to state staff judge advocate for consideration and advice before trial; referring charge to general court-martial for trial; formal corrections and changes in charges or specifications.

Sec. 34.

(1) Before directing the trial of a charge by a general court-martial, the convening authority shall refer the charge to the state staff judge advocate for consideration and advice. The convening authority shall not refer a charge to a general court-martial for trial unless the convening authority has found that the charge alleges an offense under this code and is warranted by evidence indicated in the report of the investigation.

(2) If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections and the changes in the charges or specifications as are needed to make the charges or specifications conform to the evidence may be made.

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

32.1035 Service of charges upon accused; person not to be brought to trial within specified time period.

Sec. 35.

The trial counsel to whom court-martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. In time of peace, a person, against the person's objection, shall not be brought to trial before a general court-martial within a period of 5 days after the service of the charges upon the person, or before a special court-martial within a period of 3 days after the service of the charges upon the person.

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

Article 7

32.1036 Application of Military Rules of Evidence and Rules for Courts-Martial to proceedings; promulgation of supplemental regulations.

Sec. 36.

The Military Rules of Evidence and the Rules for Courts-Martial as promulgated in the most recent version of the Manual for Courts-Martial must, as recognized in military criminal cases in the courts of the military, apply to a court-martial convened under this code to the extent practical and to the extent that the Military Rules of Evidence and the Rules for Courts-Martial as promulgated in the most recent version of the Manual for Courts-Martial do not conflict with state substantive law. The adjutant general may promulgate supplemental regulations to govern matters not provided for in the Manual for Courts-Martial.

History: 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2024, Act 77, Imd. Eff. July 8, 2024
Admin Rule: R 32.101 et seq. and R 32.171 et seq. of the Michigan Administrative Code.

32.1037 Convening authority or commanding officer; censuring, reprimanding, or admonishing court; coercing or influencing by unauthorized means; action of court-martial or member of court-martial; applicability; preparing report or making determination concerning advancement, assignment, transfer, or retention of member of state military forces.

Sec. 37.

(1) An authority convening a general, special, or summary court-martial, or any other commanding officer or officer serving on the staff of the commanding officer shall not censure, reprimand, or admonish the court or a member, military judge, or counsel of the court, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of the court's functions in the conduct of the proceedings. A person subject to this code shall not attempt to coerce or, by any unauthorized means, influence the action of a court-martial, or any member of the court-martial, in reaching the findings or sentence in a case, or the action of a convening, approving, or reviewing authority with respect to judicial acts. These provisions shall not apply to the following:

(a) General instructional or informational courses in military justice, if the courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial.

(b) Statements and instructions given in open court by the military judge or trial or defense counsel.

(2) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the state military forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the state military forces or whether a member of the state military forces should be retained on duty, a person subject to this code in preparing the report or making the determination shall not do any of the following:

(a) Consider or evaluate the performance of duty of the member as a member, military judge, trial counsel, or defense counsel of a court-martial.

(b) Give a less favorable rating or evaluation of the member of the state military forces because of the zeal with which the member, as counsel, represented an accused before a court-martial.

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

32.1038 Duties of trial counsel; right of accused to representation by civilian counsel, military counsel, or defense counsel; associate counsel; conviction; brief; assistant trial counsel and assistant defense counsel; performance of duties.

Sec. 38.

(1) The trial counsel of a general or special court-martial shall prosecute in the name of the state, and, under the direction of the court-martial, shall prepare the record of the proceedings.

(2) The accused has the right to be represented before a general or special court-martial by civilian counsel if provided by the accused, at the accused's own expense, or by military counsel of the accused's own selection if reasonably available, or by the defense counsel appointed under section 27. If the accused has counsel of his or her own selection, the defense counsel, and assistant defense counsel, if any, who were appointed, if the accused so desires, shall act as associate counsel. Otherwise, the appointed counsel shall be excused by the military judge or by the president of a court-martial without a military judge.

(3) In each court-martial proceeding resulting in a conviction the defense counsel may forward for attachment to the record of proceedings a brief of those matters the defense counsel feels should be considered in behalf of the accused on review, including an objection to the contents of the record which the defense counsel considers appropriate.

(4) An assistant trial counsel of a general court-martial, under the direction of the trial counsel or if the assistant trial counsel is qualified to be a trial counsel as required by section 27, may perform any duty imposed by law, rule, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

(5) An assistant defense counsel of a general or special court-martial, under the direction of the defense counsel or if the assistant defense counsel is qualified to be the defense counsel as required by section 27, may perform any duty imposed by law, rule, or the custom of the service upon counsel for the accused.

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

32.1038a Accused rights; request for representation.

Sec. 38a.

The accused in a proceeding under this code must be permitted to request a military defense counsel of choice who, if reasonably available, must be detailed to represent the accused and who, if not a member of the bar of this state, may represent the accused on a pro hac vice motion to the court approved by the military judge.

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

32.1039 Military judge; calling court into session without presence of members; purposes; proceedings to be made part of record and conducted in presence of certain persons.

Sec. 39.

(1) At any time after the service of charges which have been referred for trial to a court-martial composed of a military judge and members, the military judge may call the court into session without the presence of the members for the purpose of any of the following:

(a) Hearing and determining motions raising a defense or objections which are capable of determination without trial of the issues raised by a plea of not guilty.

(b) Hearing and ruling on a matter which may be ruled upon by the military judge, whether or not the matter is appropriate for later consideration or decision by the members of the court.

(c) Holding the arraignment and receiving the plea of the accused.

(d) Performing any other procedural function which may be performed by the military judge under section 26 which does not require the presence of the members of the court.

(2) The proceedings under subsection (1) shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record.

(3) When the members of a court-martial deliberate or vote, only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and the military judge.

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

32.1040 Continuances.

Sec. 40.

The military judge or a court-martial without a military judge, for reasonable cause, may grant a continuance to any party for a period, and as often, as appears to be just.

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

32.1041 Challenges for cause and peremptory challenges.

Sec. 41.

(1) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge shall

determine the relevancy and validity of challenges for cause, and may not receive a challenge to more than 1 person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) Each accused and trial counsel is entitled to 1 peremptory challenge, but the military judge may not be challenged except for cause.

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

32.1042 Persons required to take oath or affirmation in presence of accused; examination of witnesses on oath or affirmation.

Sec. 42.

(1) Before performing their respective duties, interpreters and, in general and special courts-martial, members, military judges, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, and reporters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully.

(2) Each witness before a military court shall be examined on oath or affirmation.

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

32.1043 Trial and punishment; limitations; computation of time period.

Sec. 43.

(1) An individual charged with desertion or absence without leave when the governor, by proclamation has declared a state of emergency, or with aiding the enemy, or mutiny, shall be tried and punished at any time without limitation.

(2) An individual charged with an offense under this code is not liable to be tried by court-martial or punished under section 15 if the offense was committed more than 5 years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command, or before the imposition of punishment under section 15.

(3) Periods in which the accused was outside of this state, in the custody of civil authorities, or in the hands of the enemy must be excluded in computing the period of limitations prescribed in this section.

(4) Periods in which the accused is absent without authority or is fleeing from justice must be excluded in computing the period of limitation prescribed in this section.

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

32.1044 Trial of accused twice for same offense prohibited.

Sec. 44.

(1) A person subject to this code shall not be tried a second time by a civil court or a military court of the state for the same offense.

(2) A proceeding in which an accused is found guilty by a court-martial upon a charge or specification is not a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

(3) A proceeding which, after the introduction of evidence but, before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without fault of the accused is a trial in the sense of this section.

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

32.1045 Entering plea of not guilty in record; entering finding of guilty where plea of guilty made and accepted; withdrawal of guilty plea.

Sec. 45.

(1) If an accused, after arraignment, makes an irregular pleading, or after a plea of guilty sets up a matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though the accused had pleaded not guilty.

(2) With respect to any other charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn before the announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

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

32.1046 Obtaining witnesses and other evidence; equal opportunity; powers of military judge or summary court officer; process issued in court-martial to run to any part of state.

Sec. 46.

(1) The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence.

(2) The military judge or a summary court officer may do any of the following:

(a) Issue a warrant for the arrest of a person who disobeys a written order by the convening authority to appear before the court.

(b) Issue subpoenas duces tecum and other subpoenas.

(c) Enforce by attachment the attendance of witnesses and the production of books and papers.

(3) Process issued in a court-martial to compel a witness to appear and testify and to compel the production of other evidence shall run to any part of the state.

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

32.1047 Offenses against state; compliance with subpoena; attendance, qualification, and testifying as witness; production of evidence; trial; jurisdiction; punishment.

Sec. 47.

(1) A person is guilty of an offense against the state and may be punished in the same manner as provided in actions or proceedings in the circuit courts of this state if that person does any of the following:

(a) Has been duly subpoenaed to appear as a witness or to produce books and records before a court-martial, military commission, court of inquiry, or efficiency board, or before a military or civil officer designated to take a deposition to be read in evidence before the court-martial, military commission, court of inquiry, or efficiency board and fails to comply with the subpoena.

(b) Has been duly paid or tendered the fees and mileage of a witness at rates allowed to witnesses attending circuit courts of this state, and does not attend.

(c) Wilfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce evidence which the person has been subpoenaed to produce.

(2) A person who commits an offense named in subsection (1) shall be tried in a court of original criminal jurisdiction of this state and jurisdiction is conferred on those courts for the purpose of trying that offense. Upon conviction, the person shall be punished by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

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

32.1048 Military court; contempt power; punishment.

Sec. 48.

A military court may punish for contempt an individual subject to this code who willfully and unlawfully refuses to be sworn or to affirm as a witness, or who refuses to answer a legal or proper question, or who uses a menacing word, sign, or gesture in the court's presence, or who disturbs the court proceedings by riot or disorder. The punishment for contempt in a summary court-martial proceeding must be confinement for not more than 25 days or a fine of not more than $500.00, or both. The punishment for contempt in any other military court must be confinement for not more than 100 days or a fine of not more than $2,500.00, or both.

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

32.1049 Depositions.

Sec. 49.

(1) At any time after charges have been signed as provided in section 30, a party may take an oral or written deposition unless the military judge or a court-martial without a military judge hearing the case, or if the case is not being heard, the convening authority forbids the deposition for good cause. If a deposition is to be taken before charges are referred for trial, the authority may designate commissioned officers to represent the prosecution and the defense and may authorize those officers to take the deposition of any witness.

(2) The party at whose insistence a deposition is to be taken shall give to each of the other parties reasonable written notice of the time and place for taking the deposition.

(3) Depositions may be taken before and authenticated by a military or civil officer authorized by the laws of the state, or by the laws of the place where the deposition is taken, to administer oaths.

(4) An authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read in evidence before a court-martial or in a proceeding before the court of inquiry, if 1 of the following appears:

(a) A witness resides or is beyond the state in which the court-martial or court of inquiry is ordered to sit, or beyond the distance of 100 miles from the place of trial or hearing.

(b) The witness, by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing.

(c) The present location of the witness is unknown.

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

32.1050 Reading in evidence sworn testimony of person whose oral testimony not obtainable; conditions.

Sec. 50.

(1) If not extending to the dismissal of an officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, if otherwise admissible under the rules of evidence, may be read in evidence by any party before a court-martial, if the accused was a party before the court of inquiry, if the same issue was involved or if the accused consents to the introduction of the evidence, and if the accused was physically present when the testimony was taken.

(2) The testimony shall be read in evidence only by the defense in cases extending to the dismissal of an officer.

(3) The testimony also may be read in evidence before a court of inquiry or a military board.

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

32.1050a Lack of mental responsibility as affirmative defense.

Sec. 50a.

(1) It is an affirmative defense in a trial by court-martial that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts and therefore lacked mental responsibility. Mental disease or defect does not otherwise constitute a defense.

(2) The accused has the burden, under subsection (1), of proving the defense of lack of mental responsibility by clear and convincing evidence.

(3) Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge, or the president of a court-martial without a military judge, shall instruct the members of the court as to the defense of lack of mental responsibility under this section and shall charge them to find the accused 1 of the following:

(a) Guilty.

(b) Not guilty.

(c) Not guilty only by reason of lack of mental responsibility.

(4) Notwithstanding section 52, the accused shall be found not guilty only by reason of lack of mental responsibility if a majority of the members of the court-martial present at the time the vote is taken determine that the defense of lack of mental responsibility had been

established or, in the case of a court-martial composed of a military judge only, the military judge determines that the defense of lack of mental responsibility has been established.

History: Add. 2005, Act 186, Imd. Eff. Oct. 27, 2005

32.1051 Voting by members of court-martial on findings and on sentence; rulings by military judge upon questions of law or interlocutory questions; finality; instructing court as to elements of offense and charge; court-martial composed of military judge only; procedure.

Sec. 51.

(1) Voting by members of a general or special court-martial on the findings and on the sentence shall be by secret, written ballot. The junior member of the court shall count the votes. The count shall be checked by the president, who shall announce the results of the ballot to the members of the court.

(2) The military judge shall rule upon questions of law and interlocutory questions arising during the proceedings. A ruling made by the military judge upon a question of law or an interlocutory question other than the factual issue of mental responsibility of the accused, and upon a question of law other than a motion for a finding of not guilty, is final and constitutes the ruling of the court. However, the military judge may change a ruling made by the military judge at any time during the trial.

(3) Before a vote is taken on the findings, the military judge, in the presence of the accused and counsel, shall instruct the court as to the elements of the offense and charge the court as follows:

(a) The accused must be presumed to be innocent until guilt is established by legal and competent evidence beyond a reasonable doubt.

(b) If there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted.

(c) If there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree to which there is no reasonable doubt.

(d) The burden of proof to establish the guilt of the accused beyond a reasonable doubt rests upon this state.

(4) Subsections (1) and (2) do not apply to a court-martial composed of a military judge only. The military judge of that court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, set an appropriate sentence. The military judge of that court-martial shall make a general finding and, on request, shall find the facts specially. If an opinion or memorandum of decision is filed, the opinion or memorandum shall be sufficient if the findings of fact appear in the opinion or memorandum.

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

32.1052 Conviction and sentence; concurrence of 3/4 of members present required; determination of questions by majority vote or lesser vote; tie vote.

Sec. 52.

(1) An individual must not be convicted of an offense in a general or special court-martial, except under any of the following circumstances:

(a) After a plea of guilty under section 45.

(b) By a military judge in a court-martial with a military judge alone under section 16.

(c) In a court-martial with members under section 16, by the concurrence of 3/4 of the members present at the time the vote is taken.

(2) Each sentence imposed by a court-martial must be determined by the concurrence of 3/4 of the members present at the time that the vote is taken.

(3) Any other question to be decided by the members of a general or special court-martial must be determined by a majority vote, but the determination to reconsider a finding of guilty or reconsider a sentence, to decrease or lessen the sentence, may be made by a lesser vote that indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

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

32.1053 Announcement by court-martial of findings and sentence.

Sec. 53.

A court-martial shall announce its findings and sentence to the parties as soon as determined by the court.

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

32.1054 Record of proceedings; authentication; contents; filing original and copies of trial record.

Sec. 54.

(1) Each general and special court-martial shall keep a separate record of the proceedings in each case. The record must be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of death, disability, or absence, the record must be authenticated by the trial counsel. If both the military judge and the trial counsel are unavailable for the reasons set forth in this subsection, the record must be authenticated by 2 members.

(2) Each summary court-martial shall keep a separate record of the proceedings in each case. The record must reflect the pleas of the accused to the charges and specifications, the findings and sentence, and the action by the convening authority.

(3) After final action by the convening authority, the original record of trial of each court-martial must be filed in the office of the state staff judge advocate, 1 copy must be filed in the office of the staff judge advocate of the command concerned, 1 copy must be filed in the headquarters of the special court-martial convening authority over the accused, and 1 copy must be given to the accused.

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

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

Article 9

32.1060 Forwarding record to convening authority as reviewing authority; exception; action on record.

Sec. 60.

Except as provided in section 71, after a trial by a court-martial, the record shall be forwarded to the convening authority as reviewing authority. Action on the record may be taken by the person who convened the court, a commanding officer, or a successor in command.

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

32.1061 Referring record to state staff judge advocate; review and opinion.

Sec. 61.

Except as provided in section 71 and before taking action in a general court-martial, the convening authority shall refer the record of each general court-martial to the state staff judge advocate who shall review the record and submit a written opinion on the record to the convening authority. The review must include a summary of the evidence in the case, an opinion as to the adequacy and weight of the evidence, the effect of any error or irregularity reflecting the proceedings, and a specific recommendation as to the action to be taken by the convening authority. If the final action of the court resulted in an acquittal of the charges and specifications, the opinion must be limited to questions of jurisdiction.

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

32.1062 Returning record to court for action; reasons.

Sec. 62.

(1) If a specification before a court-martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for reconsideration of the ruling and any further appropriate action.

(2) If an apparent error or omission is in the record or if the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which cannot be rectified without material prejudice to the substantial rights of the accused, the convening authority shall return the record to the court for appropriate action. However, the record shall not be returned for any of the following reasons:

(a) Reconsideration of a finding of not guilty of a specification or ruling which amounts to a finding of not guilty.

(b) Reconsideration of a finding of not guilty of a charge, unless the record shows a finding of guilty under a specification laid under that charge which sufficiently alleges a violation of a section of this code.

(c) Increasing the severity of the sentence unless the sentence prescribed for the offense is mandatory and the mandatory sentence is more severe than the sentence imposed by the court.

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

32.1063 Disapproval by convening authority of findings and sentence; reasons; rehearing; dismissal of charges; sentence.

Sec. 63.

(1) If the convening authority disapproves the findings and sentence of a court-martial, the convening authority, except where there is lack of sufficient evidence in the record to support the findings, may order a rehearing. The convening authority shall state the reasons for disapproval. If the convening authority disapproves the findings and sentence and does not order a rehearing, the convening authority shall dismiss the charges.

(2) Each rehearing shall take place before a court-martial whose composition shall not include a member or military judge of the court-martial which first heard the case. Upon a rehearing the accused may not be tried for an offense of which the accused was found not guilty by the first court-martial. A sentence in excess of or more severe than the original sentence shall not be imposed, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory.

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

32.1064 Approval by convening authority of findings of guilty and sentence; approval of sentence as approval of findings.

Sec. 64.

In acting on the findings and sentence of a court-martial, the convening authority may approve only those findings of guilty and the sentence or part or amount of the sentence as the convening authority finds correct in law and fact and as the convening authority in the authority's discretion approves. Unless the convening authority indicates otherwise, approval of the sentence is approval of the findings.

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

32.1065 Finality of action on review of trial record; authority of governor or state staff judge advocate in reviewable cases; instructing convening authority to take action pursuant to state staff judge advocate's decision or review; dismissal of charges upon finding rehearing impracticable; boards of review; composition; authority and powers; effect of error of law on finding or sentence; approving or affirming so much of finding of guilty which includes lesser included offense.

Sec. 65.

(1) If the convening authority is the governor, the action on the review of a record of trial is final.

(2) If the convening authority is not the governor, all of the following apply:

(a) If the convening authority has taken final action in a general court-martial case, the convening authority shall forward the entire record including the action on the case and the opinion of the staff judge advocate or judge advocate to the state staff judge advocate for review.

(b) If the sentence of a special court-martial as approved by the convening authority includes a bad conduct discharge, whether or not suspended, the record must be forwarded to the officer exercising general court-martial jurisdiction over the command, to be reviewed in the same manner as a record of trial by a general court-martial. If the sentence as approved by an officer exercising general court-martial jurisdiction includes a bad conduct discharge, whether or not suspended, the entire record, including the officer's action on the sentence and the opinion of the staff judge advocate, must be forwarded to the state staff judge advocate for review.

(c) All other special and summary courts-martial records must be forwarded to a judge advocate and must be acted on, transmitted, and disposed of as prescribed by rules promulgated under section 147.

(3) The state staff judge advocate shall review the record of trial in each case forwarded for review as provided in this section. If the sentence as approved affects a general officer or extends to the dismissal of an officer, the state staff judge advocate shall submit a written opinion on the sentence to the governor. If the final action of the court-martial in a case forwarded to the state staff judge advocate results in an acquittal of the charges and specifications, the opinion of the state staff judge advocate is limited to questions of jurisdiction.

(4) In each case reviewable by the state staff judge advocate that does not affect a general officer or extend to the dismissal of an officer, the state staff judge advocate shall take final action.

(5) In a case reviewable by the governor in which the governor is not the convening authority and in a case reviewable by the state staff judge advocate, the governor or the state judge staff advocate has the authority to do any of the following:

(a) Act only with respect to the findings and sentence as approved by the convening authority.

(b) Affirm only those findings of guilty, and the sentence or that part or amount of the sentence as the governor or the state staff judge advocate finds correct in law and fact and determines on the basis of the entire record should be approved.

(c) Weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

(d) Order a rehearing if the governor or the state staff judge advocate sets aside the findings and sentence, except if the setting aside is based on lack of sufficient evidence to support the findings.

(e) Order that the charges be dismissed if the governor or the state staff judge advocate sets aside the findings and sentence and does not order a rehearing.

(6) Unless the governor is to take further action, the state staff judge advocate shall instruct the convening authority to take action pursuant to the state staff judge advocate's decision on a review. If a rehearing has been ordered, but the convening authority finds a rehearing impracticable, the state staff judge advocate may dismiss the charges.

(7) The state staff judge advocate may constitute 1 or more boards of review, each composed of not fewer than 3 officers of the organized militia or retired list, that shall review the record of a trial by court-martial referred to it by the state staff judge advocate. Each officer appointed to a board of review must be a member of the bar of this state. A board of review has the same authority and powers on the review of a record that the state staff judge advocate has under this section.

(8) A finding or sentence of a court-martial must not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(9) A reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm so much of the finding that includes a lesser included offense.

History: 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2024, Act 77, Imd. Eff. July 8, 2024
Admin Rule: R 32.171 et seq. of the Michigan Administrative Code.

32.1066 Final military review of sentence of general court-martial or of sentence to dishonorable discharge by special court-martial; right to counsel; appointment by convening authority; representation by civilian counsel.

Sec. 66.

(1) Upon the final military review of a sentence of a general court-martial or of a sentence to a dishonorable discharge by a special court-martial, the accused has the right to be represented by counsel before the reviewing authority.

(2) Upon the request of an accused entitled to be represented, the convening authority shall appoint a commissioned officer who is a member of the bar of this state to represent the accused before the reviewing authority or before the staff judge advocate, and before the state staff judge advocate, in the review of cases specified in subsection (1).

(3) An accused entitled to be represented may be represented by civilian counsel if provided by the accused before the reviewing authority, the staff judge advocate, or judge advocate and before the state staff judge advocate.

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

32.1067 Military appeals tribunal; establishment; location; appointment, reappointment, and terms of members; eligibility; appointment and duties of chairperson; quorum; removal of member; legal, technical, and secretarial assistance; compensation and expenses; appellate jurisdiction; petition for review; action by tribunal; granting stay or deferring service of sentence; setting aside findings and sentence; ordering rehearing or dismissing charges; returning record to state staff judge advocate; further action.

Sec. 67.

(1) A military appeals tribunal is established and located for administrative purposes only in the department of military and veterans affairs. The tribunal shall consist of 5 members appointed by the governor, by and with the advice and consent of the senate, for a term of 4 years. Initial appointments to the military appeals tribunal must be 1 member for a 2-year term, 2 members for a 3-year term, and 2 members for a 4-year term. The term of office of all successor members must be for a 4-year term. A member appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the unexpired term of the predecessor. A member may be reappointed and a vacancy shall be filled for an unexpired term in the same manner as an appointment is made for a full term. An individual is eligible for appointment to the military appeals tribunal if the individual is a commissioned officer or a civilian and licensed to practice law in this state.

(2) The governor shall appoint the chairperson of the tribunal. The chairperson has general supervisory control of and is in charge of the assignment of the work of the tribunal.

(3) A majority of the tribunal constitutes a quorum. The military appeals tribunal shall sit as a panel of 3 members. The concurrence of 2 members is necessary for a decision of the tribunal.

(4) A member of the military appeals tribunal may be removed by the governor, upon notice and hearing, for neglect of duty, malfeasance in office, or for mental or physical disability.

(5) Subject to appropriations by the legislature, the military appeals tribunal shall have the legal, technical, and secretarial assistance as the chairperson considers necessary.

(6) The members of the military appeals tribunal while actually sitting in review of a matter submitted to the tribunal's jurisdiction by this code, and while traveling to and from the session, must be paid daily compensation equal to 1/250 of the state salary paid to circuit court judges, together with the actual cost of the members' meals, lodging, and actual travel expenses or the amount set by the existing appropriation if private transportation is utilized.

(7) The military appeals tribunal has appellate jurisdiction, upon the petition of an accused, to hear and review the record in all decisions of a court-martial after the review provided in this section has been completed.

(8) The accused has not more than 60 calendar days, from the time of the receipt of actual notice of the final action on the accused's case, under this code to petition the military appeals tribunal for review. The tribunal shall act on the petition not more than 60 calendar days after the receipt of the petition. The military appeals tribunal may grant a stay or defer service of the sentence of confinement or any other punishment under this code until the tribunal's final decision in the case.

(9) In a case reviewable under subsection (7), the military appeals tribunal shall act only with respect to the findings and sentence as finally approved and ordered executed by the convening authority.

(10) If the military appeals tribunal sets aside the findings and sentence, the tribunal may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If the tribunal sets aside the findings and sentence and does not

order a rehearing, the tribunal shall order that the charges be dismissed. After the military appeals tribunal acts on the case, the record must be returned to the state staff judge advocate, who shall notify the convening authority of the tribunal's decision. If further action is required, the state staff judge advocate shall instruct the convening authority to take action pursuant to that decision. If the tribunal orders a rehearing, but the convening authority finds a rehearing impracticable, the state staff judge advocate shall dismiss the charges.

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

32.1068 Appeal from final decision of military appeals tribunal.

Sec. 68.

An appeal may be taken to the state court of appeals from any final decision of the military appeals tribunal.

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

32.1070 Trial counsel and defense counsel to serve as appellate counsel; right to civilian counsel; disability of defense or trial counsel.

Sec. 70.

The trial counsel and defense counsel of a court-martial shall serve in the capacity of appellate counsel upon an appeal authorized under this code. The accused has the additional right to be represented by civilian counsel at his or her own expense. If the defense or trial counsel becomes unable to perform his or her duties because of illness or other disability, the convening authority shall appoint a qualified trial or defense counsel to continue the proceedings.

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

32.1071 Execution of sentence; approval; suspension.

Sec. 71.

(1) A court-martial sentence involving a general officer or extending to the dismissal of an officer other than a general officer shall not be executed until approved by the governor. The governor may approve the sentence or a part, amount, or commuted form of the sentence and may suspend the execution of the sentence or any part of the sentence.

(2) A sentence which includes an unsuspended, dishonorable, or bad conduct discharge shall not be executed until approved by an officer exercising general court-martial jurisdiction. That officer may approve the sentence or a part, amount, or commuted form of the sentence and may suspend the execution of the sentence or any part of the sentence.

(3) Any other court-martial sentence, unless suspended, may be ordered executed by the convening authority when approved by the convening authority. The convening authority may approve the sentence or a part, amount, or commuted form of sentence, and may suspend the execution of the sentence or any part of the sentence.

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

32.1072 Violation of probation; hearing; representation by counsel; sending record of hearing and recommendation for action to governor or commanding officer of force; vacating suspension of sentence.

Sec. 72.

(1) Before the vacation of the suspension of a special court-martial sentence which, as approved, includes a dishonorable or bad conduct discharge, or of a general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. The probationer shall be represented at the hearing by counsel if the probationer desires.

(2) The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the governor in cases involving a general court-martial sentence and to the commanding officer of the force of the state military forces of which the probationer is a member in all other cases covered by subsection (1). If the governor or commanding officer vacates the suspension, the unexecuted part of the sentence shall be executed.

(3) The suspension of any other sentence may be vacated for the command in which the accused is serving or assigned, by an authority competent to convene a court of the kind that imposed the sentence.

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

32.1073 Petition for new trial; grounds; time limitation.

Sec. 73.

Not later than 1 year after approval of a court-martial sentence, pursuant to section 71, which extends to dismissal or dishonorable discharge, the accused may petition the governor for a new trial on the grounds of newly discovered evidence or fraud.

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

32.1074 Remitting or suspending part or amount of unexecuted sentence; substituting administrative form of discharge for dishonorable discharge or dismissal.

Sec. 74.

(1) A convening authority may remit or suspend any part or amount of the unexecuted part of a sentence, including all uncollected forfeitures.

(2) The governor, for good cause, may substitute an administrative form of discharge for a dishonorable discharge or dismissal executed pursuant to a sentence of a court-martial.

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

32.1075 Restoration of rights, privileges, and property affected by executed part of court-martial sentence that is set aside or disapproved; exception; substituting administrative form of discharge where previously executed sentence of dishonorable discharge or dismissal not imposed on new trial; exception; reappointment of dismissed officer.

Sec. 75.

(1) Each right, privilege, and property affected by an executed part of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and the executed part is included in a sentence imposed upon the new trial or rehearing.

(2) If a previously executed sentence of dishonorable discharge is not imposed on a new trial, the governor shall substitute a form of discharge authorized for administrative issuance, unless the accused is to serve out the remainder of his or her enlistment.

(3) If a previously executed sentence of dismissal is not imposed on a new trial, the governor shall substitute a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the governor to the commissioned grade and with the rank, in the opinion of the governor, that the former officer would have attained had the former officer not been dismissed. The reappointment of the former officer may be made if a position vacancy is available under applicable tables of organization. All time between the dismissal and reappointment shall be considered as service.

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

Article 10

32.1077 Person subject to code as principal.

Sec. 77.

A person subject to this code is a principal if the person commits 1 of the following acts:

(a) An offense punishable by this code or aids, abets, counsels, commands, or procures the commission of the offense.

(b) Causes an act to be done which if directly performed by the person would be punishable by the code.

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

32.1078 Receiving, comforting, or assisting offender; punishment.

Sec. 78.

A person subject to this code who, knowing that an offense punishable by this code has been committed, receives, comforts, or assists the offender in order to hinder or prevent the offender's apprehension, trial, or punishment shall be punished as a court-martial directs.

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

32.1079 Finding accused guilty of offense necessarily included in offense charged or of attempt to commit offense charged or offense necessarily included in offense charged.

Sec. 79.

An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included in the offense charged.

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

32.1080 Attempt to commit offense; punishment; conviction of attempt where offense completed.

Sec. 80.

(1) An act, done with the specific intent to commit an offense under this code, amounting to more than mere preparation, even though failing to effect its commission, is an attempt to commit that offense.

(2) A person subject to this code who attempts to commit an offense punishable by this code shall be punished as a court-martial directs, unless otherwise specifically prescribed.

(3) A person subject to this code may be convicted of an attempt to commit an offense even if it appears on the trial from evidence presented at the trial or from a guilty plea that the offense was complete.

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

32.1081 Conspiracy; punishment.

Sec. 81.

A person subject to this code who conspires with any other person to commit an offense under this code, if 1 or more of the conspirators does an act to effect the object of the conspiracy, shall be punished as a court-martial directs.

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

32.1082 Soliciting or advising another to desert, mutiny, or commit act of misbehavior before enemy or sedition; punishment.

Sec. 82.

(1) A person subject to this code who solicits or advises another to desert in violation of section 85 or mutiny in violation of section 94, if the offense solicited or advised is attempted or committed, shall be punished as provided for in the commission of the offense. If the offense solicited or advised is not committed or attempted, the person shall be punished as a court-martial directs.

(2) A person subject to this code who solicits or advises another to commit an act of misbehavior before the enemy in violation of section 99 or sedition in violation of section 94, if the offense solicited or advised is committed, shall be punished as provided for in the commission of the offense. If the offense solicited or advised is not committed, the person shall be punished as a court-martial directs.

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

32.1083 Procuring enlistment or appointment by means of knowingly false representations or deliberate concealment as to qualifications; receiving pay or allowances; procuring separation by means of knowingly false representations or deliberate concealment as to eligibility.

Sec. 83.

A person shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Procures his or her own enlistment or appointment in the state military forces by means of knowingly false representations or deliberate concealment as to his or her qualifications for that enlistment or appointment and receives pay or allowances under the enlistment.

(b) Procures his or her own separation from the state military forces by means of knowingly false representations or deliberate concealment as to his or her eligibility for the separation.

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

32.1084 Effecting enlistment, appointment, or separation of person known to be ineligible; punishment.

Sec. 84.

A person subject to this code who effects an enlistment or appointment in or a separation from the state military forces of a person who is known to that person to be ineligible for the enlistment, appointment, or separation because it is prohibited by law, rule, regulation, or order shall be punished as a court-martial directs.

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

32.1085 Desertion; member of state military forces not prohibited from accepting employment in another state or leaving state in pursuance of vocation, education, or profession; informing commanding officer of absence; waiver; punishment.

Sec. 85.

(1) A member of the state military forces is guilty of desertion if the member commits 1 of the following acts:

(a) Without proper authority goes or remains absent from his or her unit, organization, or place of duty with intent to remain away permanently.

(b) Quits his or her unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service.

(c) Without being regularly separated from 1 of the forces of the state military forces, enlists or accepts an appointment in the same or another state military force without fully disclosing the fact that he or she has not been regularly separated.

(2) Notwithstanding subsection (1), a member of the state military forces shall not be, in time of peace or order, prohibited from accepting bona fide employment in another state or leaving the boundaries of this state in pursuance of a vocation, education, or profession if before so doing the member fully informs the member's commanding officer of the absence from the state and the reasons for the absence. However, the commanding officer may waive this requirement.

(3) An officer of the state military forces who, having tendered his or her resignation and before due notice of the acceptance of the resignation, quits his or her post or proper duties without leave and with intent to remain away permanently is guilty of desertion.

(4) A person found guilty of desertion shall be punished as a court-martial directs.

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

32.1086 Failure to go to, or going or remaining absent from, place of duty; punishment.

Sec. 86.

A person subject to this code who, without proper authority, fails to go to his or her appointed place of duty at the time prescribed, goes from that place, absents himself or herself or remains absent from the person's unit, organization, or other place of duty at which the person is required to be at the time prescribed shall be punished as a court-martial directs.

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

32.1087 Missing movement of ship, train, bus, motor convoy, vehicle, airplane, or unit; punishment.

Sec. 87.

A person subject to this code who through neglect or design misses the movement of a ship, train, bus, motor convoy, vehicle, airplane, or unit with which the person is required in the course of duty to move shall be punished as a court-martial directs.

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

32.1088 Use of contemptuous words; prohibition; violation.

Sec. 88.

(1) A person subject to this act shall not use contemptuous words against the president, vice president, congress, secretary of defense, a secretary of a military department, the director of the Michigan department of military and veterans affairs, or the governor or the legislature of this state while he or she is on duty, or against the governor or the legislature of any other state, territory, commonwealth, or possession while he or she is on duty and present in that state, territory, commonwealth, or possession.

(2) A person who violates this section is guilty of an offense punishable as a court-martial may direct, subject to all recognized common law or constitutional immunities within this state.

History: Add. 2005, Act 186, Imd. Eff. Oct. 27, 2005

32.1089 Disrespect toward superior commissioned officer; punishment.

Sec. 89.

A person subject to this code who behaves with disrepect toward a superior commissioned officer shall be punished as a court-martial directs.

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

32.1090 Striking, drawing or lifting up weapon, or offering violence against superior commissioned officer; wilful disobedience of lawful command; punishment.

Sec. 90.

A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Strikes a superior commissioned officer, draws or lifts up a weapon, or offers violence against the officer while the officer is in the execution of the officer's duty.

(b) Wilfully disobeys a lawful command of a superior commissioned officer.

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

32.1091 Prohibited acts by warrant officer or enlisted person; punishment.

Sec. 91.

A warrant officer or enlisted person who commits 1 of the following acts shall be punished as a court-martial directs:

(a) Strikes or assaults a warrant officer or noncommissioned officer when the officer is in the execution of the officer's duty.

(b) Wilfully disobeys the lawful order of a warrant officer or noncommissioned officer.

(c) Treats with contempt or disrespect, in language or deportment, a warrant officer or noncomissioned officer, while the officer is in the execution of the officer's duty.

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

32.1092 Violating or failing to obey lawful order, rule, or regulation; dereliction in performance of duties; punishment.

Sec. 92.

A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Violates or fails to obey a lawful general order, rule, or regulation.

(b) Having knowledge of a lawful order issued by a member of the armed forces which it is the person's duty to obey, fails to obey that order.

(c) Is derelict in the performance of duties.

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

32.1093 Cruelty toward or oppression or maltreatment of person subject to person's orders; punishment.

Sec. 93.

A person subject to this code who is guilty of cruelty toward or oppression or maltreatment of a person subject to the person's orders shall be punished as a court-martial directs.

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

32.1093a Prohibited sexual activity; military recruit or protected juvenile member; punishment; definitions.

Sec. 93a.

(1) An individual subject to this code must be punished as a court-martial directs if all of the following apply:

(a) The individual is an officer or a noncommissioned officer.

(b) The individual is in a training leadership position with respect to a specially protected junior member of the military.

(c) The individual engages in prohibited sexual activity with a specially protected junior member of the military.

(2) An individual subject to this code must be punished as a court-martial directs if that individual is a military recruiter and engages in a prohibited sexual activity with either of the following:

(a) An applicant that individual is recruiting to enlist in military service.

(b) A specially protected junior member of the military who is enlisted under a delayed entry program.

(3) Consent is not a defense for any conduct at issue in a prosecution under this section.

(4) As used in this section:

(a) "Military recruiter" means an individual who has the primary duty to recruit individuals for military service.

(b) "Prohibited sexual activity" means the penetration, however slight, of the penis into the vulva or anus or mouth, contact between the mouth and the penis, vulva, scrotum, or anus, or the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any individual or to arouse or gratify the sexual desire of any individual. Prohibited sexual activity also means touching by any part of the body or an object, or causing another individual to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks of any individual, with an intent to abuse, humiliate, harass, or degrade any individual or to arouse or gratify the sexual desire of any individual.

(c) "Specially protected junior member of the military" means any of the following:

(i) A member of the military who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program.

(ii) A member of the military who is a cadet, an officer candidate, or a student in any other officer qualification program.

(iii) A member of the military in any program that is identified as a training program for initial career qualification.

(d) "Training leadership position" means, with respect to a specially protected junior member of the military, a drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers' training corps unit, a training program for entry into the military, or a training program for initial career qualification.

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

32.1094 Mutiny, sedition, or failure to suppress or report mutiny or sedition; punishment.

Sec. 94.

(1) A person subject to this code:

(a) Who, with the intent to usurp or override a lawful military authority, refuses, in concert with another person, to obey an order or otherwise do his or her duty or creates any violence or disturbance is guilty of mutiny.

(b) Who, with the intent to cause the overthrow or destruction of a lawful civil authority, creates, in concert with another person, revolt, violence, or other disturbance against that authority is guilty of sedition.

(c) Who fails to do the utmost to prevent and suppress an offense of mutiny or sedition being committed in the person's presence or fails to take all reasonable means to inform a

superior officer or commanding officer of an offense of mutiny or sedition which the person knows of or has reason to believe is taking place is guilty of a failure to suppress or report a mutiny or sedition.

(2) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished as a court-martial directs.

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

32.1095 Resisting apprehension, breaking arrest, or escaping from custody or confinement; punishment.

Sec. 95.

A person subject to this code who resists apprehension, breaks arrest, or escapes from custody or confinement shall be punished as a court-martial directs.

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

32.1096 Releasing prisoner or permitting prisoner to escape; punishment.

Sec. 96.

A person subject to this code who, without proper authority, releases a prisoner committed to the person's charge, or who through neglect or design permits the prisoner to escape, shall be punished as a court-martial directs, whether or not the prisoner was committed in strict compliance with law.

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

32.1097 Wrongful apprehension, arrest, or confinement of person; punishment.

Sec. 97.

Except as provided by law, a person subject to this code, who wrongfully apprehends, arrests, or confines a person shall be punished as a court-martial directs.

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

32.1098 Unnecessary delay in disposition of accused person's case; failure to enforce or comply with code provision regulating proceedings before, during, or after trial; punishment.

Sec. 98.

A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Is responsible for unnecessary delay in the disposition of a case of a person accused of an offense under this code.

(b) Knowingly and intentionally fails to enforce or comply with a provision of this code regulating the proceedings before, during, or after trial of an accused.

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

32.1099 Prohibited acts committed before or in presence of enemy, in peacetime emergency, or civil disturbance; punishment.

Sec. 99.

A person subject to this code who before or in the presence of the enemy or during the performance of duty in a peacetime emergency or civil disturbance operation commits 1 of the following acts shall be punished as a court-martial directs:

(a) Runs away.

(b) Abandons, surrenders, or delivers up a command, unit, place, or military property which it is the person's duty to defend.

(c) Through disobedience, neglect, or intentional misconduct endangers the safety of a command, unit, place, or military property.

(d) Casts away arms or ammunition.

(e) Is guilty of cowardly conduct.

(f) Quits a place of duty to plunder or pillage.

(g) Causes false alarms in a command, unit, or place under the control of the armed forces of the United States, the state military forces, or the military forces of any other state or territory.

(h) Willfully fails to do the person's utmost to encounter, engage, capture, or destroy enemy troops, combatants, vessels, aircraft, or any other thing which it is the person's duty to encounter, engage, capture, or destroy.

(i) Does not afford all practicable relief and assistance to troops, combatants, vessels, or aircraft of the armed forces belonging to the United States, to their allies, or to any other state or to the state military forces if engaged in battle.

(j) Willfully fails to do his or her utmost to suppress civil disturbance while engaged in an emergency response operation.

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

32.1100 Compelling or attempting to compel commander to abandon or give up to enemy place, vessel, aircraft, or property; striking colors or flag to enemy without authority; punishment.

Sec. 100.

A person subject to this code who compels or attempts to compel the commander of a place, vessel, aircraft, or of other military property or of a body of members of the armed forces of the United States or of any other state or territory or of the state military forces to give the place, vessel, aircraft, or property up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority, shall be punished as a court-martial directs.

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

32.1101 Disclosure of countersign or giving different countersign during declared state of emergency; punishment.

Sec. 101.

A person subject to this code who in time of declared state emergency discloses the countersign to a person not entitled to receive the countersign, or who gives to another who is

entitled to receive and use the countersign a different countersign from that which, to his or her knowledge, the person was authorized and required to give, shall be punished as a court-martial directs.

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

32.1102 Forcing a safeguard; punishment.

Sec. 102.

A person subject to this code who forces a safeguard shall be punished as a court-martial directs.

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

32.1103 Securing public property taken in performance of duty; giving notice and turning over to proper authority captured or abandoned property; prohibited acts; punishment.

Sec. 103.

(1) A person subject to this code shall secure all public property taken in the performance of his or her duty and shall give notice and turn over to the proper authority without delay all captured or abandoned property in the person's possession, custody, or control.

(2) A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Fails to carry out the duties prescribed in subsection (1).

(b) Buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, from which the person receives or expects a profit, benefit, or advantage to the person or another directly or indirectly connected with the person.

(c) Engages in looting or pillaging.

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

32.1104 Aiding or attempting to aid enemy; harboring, protecting, or giving intelligence to, or communicating, corresponding, or holding intercourse with, enemy; punishment.

Sec. 104.

A person subject to this code shall be punished as a court-martial directs if the person commits 1 of the following acts:

(a) Aids or attempts to aid the enemy with arms, ammunition, supplies, money or any other thing.

(b) Without proper authority, knowingly harbors, protects, or gives intelligence to, or communicates or corresponds with, or holds any intercourse with, the enemy, either directly or indirectly.

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

32.1105 Prohibited acts committed while in hands of captor during declared state of emergency or civil disturbance; punishment.

Sec. 105.

(1) A person subject to this code who, while in the hands of a captor in time of declared state emergency, or civil disturbance emergency shall not do any of the following:

(a) To secure favorable treatment by the person's captors, act without proper authority in a manner contrary to law, custom, rule, or regulation to the detriment of others.

(b) While in a position of authority over those persons, maltreat them without justifiable cause.

(2) A person who violates this section shall be punished as a court-martial directs.

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

32.1106 Impersonation of an officer; punishment.

Sec. 106.

An individual subject to this code who wrongfully and willfully impersonates an officer, a noncommissioned officer, a petty officer, an agent of superior authority of any component of the military, or an official of a government must be punished as a court-martial directs.

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

32.1106a Unauthorized wearing of insignia, decoration, badge, ribbon, device or lapel button; punishment.

Sec. 106a.

An individual subject to this code who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button and who wrongfully wears that insignia, decoration, badge, ribbon, device, or lapel button on the individual's uniform or civilian clothing must be punished as a court-martial directs.

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

32.1107 Signing or making false document or false official statement; punishment.

Sec. 107.

A person subject to this code who, with the intent to deceive, signs a false record, return, rule, order, or other official document, knowing the document to be false, or makes any other false official statement knowing the statement to be false shall be punished as a court-martial directs.

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

32.1108 Loss, damage, destruction, or unauthorized sale or disposal of military property; punishment.

Sec. 108.

(1) A person subject to this code shall not, without proper authority, do any of the following:

(a) Sell or otherwise dispose of military property of the United States or this state.

(b) Willfully or negligently damage, destroy, or lose military property of the United States or this state.

(c) Willfully or negligently allow damage, destruction, or loss of military property of the United States or this state.

(2) A person who violates this section shall be punished as a court-martial directs.

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

32.1109 Wasting, spoiling, or destroying property; punishment.

Sec. 109.

(1) A person subject to this code, while on duty or in the course of duty, shall not willfully or recklessly waste, spoil, or destroy any property that is not property of the United States or of this state.

(2) A person who violates this section shall be punished as a court-martial directs.

History: Add. 2005, Act 186, Imd. Eff. Oct. 27, 2005

32.1111 Operation of military vehicle or aircraft while under influence of intoxicating liquor in reckless or wanton manner or without authority; punishment.

Sec. 111.

A person subject to this code who operates a military vehicle or aircraft while under the influence of intoxicating liquor or in a reckless or wanton manner or without authority shall be punished as a court-martial directs.

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

32.1112 Person found under influence of intoxicating liquor or controlled substance while in uniform or on state military property; punishment.

Sec. 112.

(1) A person subject to this code who is not a sentinel or a lookout as described in section 113 shall not be either of the following:

(a) Under the influence of intoxicating liquor or a controlled substance while in uniform and on military property.

(b) Under the influence of intoxicating liquor or a controlled substance while on duty.

(2) A person who violates this section shall be punished as a court-martial directs.

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

32.1112a Wrongful use, possession, manufacturing distribution, importation, exportation, or introduction of controlled substances; punishment.

Sec. 112a.

(1) An individual subject to this code who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the

control of the Armed Forces of the United States or of any state military forces a substance described in subsection (2) must be punished as a court-martial directs.

(2) Subsection (1) applies to both of the following substances:

(a) Any controlled substance.

(b) Any substance not specified in subdivision (a) that is listed on a schedule of controlled substances prescribed by the President of the United States for the purposes of the uniform code of military justice, 10 USC 801 to 946a.

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

32.1113 Sentinel or guard found under influence of intoxicating liquor or controlled substance or sleeping upon post; leaving post before being relieved; punishment.

Sec. 113.

A sentinel or guard subject to this code who is found under the influence of intoxicating liquor or a controlled substance or sleeping upon his or her post or who leaves a post before being relieved shall be punished as a court-martial directs.

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

32.1114 Repealed. 2015, Act 210, Eff. Mar. 14, 2016.

Compiler's Notes: The repealed section pertained to person who fights, promotes, or is concerned in or connives at fighting a duel or fails to report challenge to duel.

32.1115 Feigning illness, physical disablement, mental lapse, or derangement, or intentionally inflicting self-injury to avoid work, duty, or service; punishment.

Sec. 115.

A person subject to this code who for the purpose of avoiding work, duty, or service feins illness, physical disablement, mental lapse, or derangement, or intentionally inflicts self-injury, shall be punished as a court-martial directs.

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

32.1116 Causing or participating in riot or breach of peace; punishment.

Sec. 116.

A person subject to this code who causes or participates in a riot or breach of the peace shall be punished as a court-martial directs.

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

32.1117 Using provoking or reproachful words or gestures while in duty status; punishment.

Sec. 117.

A person subject to this code who while in a duty status uses provoking or reproachful words or gestures toward another person subject to this code shall be punished as a court-martial directs.

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

32.1120 Sexual assault; punishment; "sexual contact" defined.

Sec. 120.

(1) An individual subject to this code is guilty of sexual assault and must be punished as a court-martial directs if the individual engages in sexual contact with another individual by any of the following means:

(a) By forcible compulsion.

(b) By engaging in sexual conduct with an individual who is incapable of consent because the individual is any of the following:

(i) Physically helpless.

(ii) Mentally defective.

(iii) Mentally incapacitated.

(c) By abuse of authority.

(2) As used in this section, "sexual contact" means touching by any part of the body or an object, or causing another individual to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks of any individual, with an intent to abuse, humiliate, harass, or degrade any individual or to arouse or gratify the sexual desire of any individual.

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

32.1121 Depriving owner of property or money; larceny; punishment.

Sec. 121.

(1) An individual subject to this code who unlawfully takes, obtains, or withholds from the United States, this state, any other state, or any person, any property, money, or article of any kind with the intent to permanently deprive the owner of the property, money, or article of any kind, is guilty of larceny.

(2) An individual who violates this section must be punished as a court-martial directs.

History: Add. 2005, Act 186, Imd. Eff. Oct. 27, 2005 ;-- Am. 2024, Act 77, Imd. Eff. July 8, 2024

32.1121a Fraudulent use of credit card, debit card, or other access device; punishment; "access device" defined.

Sec. 121a.

(1) An individual subject to this code who, knowingly and with intent to defraud, uses a stolen credit card, debit card, or other access device, a revoked, canceled, or otherwise invalid credit card, debit card, or other access device, or a credit card, debit card, or other access

device without the authorization of a person whose authorization is required for that use to obtain money, property, services, or anything else of value must be punished as a court-martial directs.

(2) As used in this section, "access device" means any card, plate, code, account number, electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier, or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds, except for a transfer originated solely by paper instrument.

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

32.1121b Use of false pretenses to obtain services; punishment.

Sec. 121b.

An individual subject to this code who, with intent to defraud, knowingly uses false pretenses to obtain services must be punished as a court-martial directs.

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

32.1122 Robbery; punishment.

Sec. 122.

An individual subject to this code who takes anything of value from an individual or in the presence of another, against that individual's will, by means of force or violence or fear of immediate or future injury to the individual or property, or to the individual or property of a relative or member of the individual's family or of anyone in the individual's company at the time of the robbery, is guilty of robbery and must be punished as a court-martial directs.

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

32.1123 Unauthorized use of government computer; punishment; "computer" defined.

Sec. 123.

(1) An individual subject to this code must be punished as a court-martial directs if the individual does any of the following:

(a) Knowingly accesses a government computer with an unauthorized purpose, and by doing so obtains classified information, with reason to believe that information could be used to the injury of the United States or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted that information to any person not entitled to receive it.

(b) Intentionally accesses a government computer with an unauthorized purpose and obtains classified or other protected information from that government computer.

(c) Knowingly causes the transmission of a program, information, code, or command and, as a result of that conduct, intentionally causes damage without authorization to a government computer.

(2) As used in this section, "computer" means that term as defined in 18 USC 1030.

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

32.1128 Assault; punishment.

Sec. 128.

An individual subject to this code who unlawfully and with force or violence attempts to do bodily harm to another individual, offers to do bodily harm to another individual, or does bodily harm to another individual, is guilty of assault and must be punished as a court-martial directs.

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

32.1131 Giving false testimony in a proceeding as perjury; punishment.

Sec. 131.

A person subject to this code who in a proceeding under this code wilfully and corruptly gives, upon a lawful oath or in a form allowed by law to be substituted for an oath, a false testimony material to the issue or matter of inquiry is guilty of perjury and shall be punished as a court-martial directs.

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

32.1131a Subornation of perjury; punishment.

Sec. 131a.

An individual subject to this code who induces and procures another individual to take an oath, and to falsely testify, depose, or state upon that oath, must be punished as a court-martial directs if all of the following conditions are satisfied:

(a) The oath is administered with respect to a matter for which that oath is required or authorized by law.

(b) The oath is administered by an individual having authority to do so.

(c) Upon the oath, the other individual willfully makes or subscribes to a statement.

(d) The statement is material.

(e) The statement is false.

(f) When the statement is made or subscribed to, the individual subject to this code and the other individual do not believe that the statement is true.

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

32.1131b Obstruction of justice; criminal or disciplinary proceedings; punishment.

Sec. 131b.

An individual subject to this code who engages in conduct in the case of an individual against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice, must be punished as a court-martial directs.

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

32.1131c Obstruction of justice; adverse administrative proceeding; punishment.

Sec. 131c.

An individual subject to this code who, having reason to believe that an adverse administrative proceeding is pending against another individual subject to this code, wrongfully acts with the intent to influence, impede, or obstruct the conduct of the proceeding, or otherwise to obstruct the due administration of justice, must be punished as a court-martial directs.

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

32.1132 Making false claims; prohibited acts; punishment.

Sec. 132.

(1) A person subject to this code shall not commit any of the following acts:

(a) Knowing the claim to be false or fraudulent, make a claim against the United States, this state, or an officer of the United States or this state.

(b) Knowing the claim to be false or fraudulent, present to a person in the civil or military service of the United States or this state for approval or payment a claim against the United States, this state, or an officer of the United States or this state.

(c) For the purpose of obtaining the approval, allowance, or payment of a claim against the United States, this state, or any officer of the United States or this state, do any 1 of the following:

(i) Make or use a writing or other paper knowing the writing or paper contains a false or fraudulent statement.

(ii) Make an oath to a fact, writing, or other paper knowing the oath to be false.

(iii) Forge or counterfeit a signature upon a writing or other paper or use a signature knowing the signature to be forged or counterfeited.

(d) Having charge, possession, custody, or control of money or other property of the United States or this state, furnished or intended for the armed forces of the United States or this state, knowingly deliver to a person having authority to receive the money or property, an amount less than that for which the person receives a certificate or receipt.

(e) Being authorized to make or deliver a paper certifying the receipt of property of the United States or this state, furnished or intended for the armed forces of the United States or

this state, make or deliver to a person the writing without having full knowledge of the truth of the statements contained in the paper and with intent to defraud the United States or this state.

(f) Make a false or fraudulent use of a credit card, telephone, telephone calling card, or other access device issued by the United States or this state.

(2) A person who violates this section shall be punished as a court-martial directs.

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

32.1132a Retaliation; punishment; definitions.

Sec. 132a.

(1) An individual subject to this code must be punished as a court-martial directs if, with the intent to retaliate against another individual for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage another individual from reporting a criminal offense or making or planning to make a protected communication, the individual subject to this code does either of the following:

(a) Wrongfully takes or threatens to take an adverse personnel action against another individual.

(b) Wrongfully withholds or threatens to withhold a favorable personnel action with respect to another individual.

(2) As used in this section:

(a) "Covered individual or organization" means a recipient of a communication specified in 10 USC 1034(b)(1)(B)(i) to (v).

(b) "Inspector general" means that term as defined in 10 USC 1034(j).

(c) "Protected communication" means either of the following:

(i) A lawful communication to a member of Congress or an inspector general.

(ii) A communication to a covered individual or organization in which a member of the military complains of or discloses information that the member reasonably believes constitutes evidence of either of the following:

(A) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

(B) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

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

32.1133 Conduct unbecoming an officer; conviction; punishment.

Sec. 133.

A commissioned officer or warrant officer who is convicted of conduct unbecoming an officer shall be dismissed from the military service of this state or punished as a court-martial directs.

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

32.1134 Cognizance by court-martial of a disorder or neglect to prejudice of good order and discipline; punishment.

Sec. 134.

(1) A person subject to this code shall not through disorder or neglect to the prejudice of good order and discipline or through conduct bring discredit upon the armed forces of the United States or of this state.

(2) A person who violates subsection (1) shall be punished by a general, special, or summary court-martial as determined by the nature and degree of the violation.

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

32.1134a Drunk and disorderly conduct; punishment.

Sec. 134a.

An individual subject to this code who is drunk and disorderly and, under the circumstances, the conduct is to the prejudice of good order and discipline in the Armed Forces of the United States or of the state military forces, or of a nature to bring discredit upon the Armed Forces of the United States or the state military forces, must be punished as a court-martial directs.

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

32.1134b Extramarital conduct; punishment; "extramarital conduct" defined.

Sec. 134b.

(1) An individual subject to this code who wrongfully engages in extramarital conduct with another individual subject to this code and, at the time, is married to someone else or knows the other individual is married to someone else, must be punished as a court-martial directs.

(2) As used in this section, "extramarital conduct" means any of the following acts engaged in by individuals of the same or opposite sex:

(a) Genital to genital sexual intercourse.

(b) Oral to genital sexual intercourse.

(c) Anal to genital sexual intercourse.

(d) Oral to anal sexual intercourse.

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

32.1134c Furnishing alcoholic liquor to minor; punishment; "alcoholic liquor" and "minor" defined.

Sec. 134c.

(1) An individual subject to this code who sells or furnishes alcoholic liquor to a minor must be punished as a court-martial directs.

(2) As used in this section:

(a) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.

(b) "Minor" means an individual less than 21 years of age.

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

32.1134d Sexual harassment; punishment.

Sec. 134d.

An individual subject to this code must be punished as a court-martial directs if the individual does any of the following:

(a) Repetitively engages in behavior that involves unwelcome sexual advances.

(b) Requests sexual favors from or offers sexual favors to a subordinate.

(c) Engages in other verbal or physical conduct of a sexual nature if any of the following apply:

(i) Submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of an individual's job, pay, or career.

(ii) Submission to or rejection of the conduct by an individual is used as a basis for career or employment decisions affecting that individual.

(iii) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

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

Article 11

32.1135 Court of inquiry; convening authority; membership; appointment of counsel; rights of person having direct interest in subject of inquiry; challenges for cause; oath or affirmation; witnesses; findings of fact; record of proceedings; authentication.

Sec. 135.

(1) A court of inquiry to investigate any matter may be convened by a person authorized to convene a general court-martial or by any other person designated by the governor for that purpose, whether or not the person involved has requested the inquiry.

(2) A court of inquiry shall consist of 3 or more commissioned officers. For each court of inquiry the convening authority shall appoint counsel for the court.

(3) A person subject to this code or in the status of a civilian employee of the military forces of this state who has a direct interest in the subject of inquiry shall have the right to be designated as a party, shall be given due notice, and shall have the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(4) A member of a court of inquiry may be challenged by a party but only for cause stated to the court.

(5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(6) A witness may be summoned to appear and testify and be examined before courts of inquiry as provided for courts-martial.

(7) A court of inquiry shall make findings of fact but shall not express opinions or make recommendations unless required to do so by the convening authority.

(8) Each court of inquiry shall keep a record of its proceedings which shall be authenticated by the signatures of the senior officer and counsel of the court of inquiry and forwarded to the convening authority. If the record cannot be authenticated by signatures of the senior officer and counsel, the record shall be signed by a member instead of the senior officer, and if the record cannot be authenticated by the counsel for the court, the record shall be signed by a member instead of the counsel.

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

32.1136 Officers having power to administer oaths; affidavits; signature and title of office as prima facie evidence of officer's authority.

Sec. 136.

(1) The following officers of the state military forces shall have the power to administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for those purposes before the officers:

(a) Each judge advocate of the Michigan national guard and state troops.

(b) Each summary court-martial officer.

(c) Each adjutant, assistant adjutant, acting adjutant, and personnel adjutant, including each warrant officer acting in that capacity.

(d) Each staff judge advocate and legal officer and acting or assistant judge advocate and legal officer.

(2) The following officers shall have the power to administer oaths necessary in the performance of their duties and affidavits may be taken for those purposes before the officers:

(a) The president, trial counsel, and assistant trial counsel for all general and special courts-martial.

(b) The president and counsel for a court of inquiry.

(c) Each officer designated to take depositions.

(d) Each officer detailed to conduct investigations.

(3) An officer on the retired list shall not be authorized to administer oaths as provided in this section unless the officer is on actual state duty or on active duty in or with the state military forces under orders of the governor.

(4) The signature without seal of a person described in this section, together with the title of office, shall be prima facie evidence of the officer's authority.

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

32.1137 Sections to be explained to enlisted person; availability of code and rules.

Sec. 137.

Sections 3, 4, 7, 8, 9, 10, 11, 15, 28, 30, 31, 37, 38, 55, 58, 77 to 134, 137 to 139, and 145 shall be carefully explained to each enlisted person at the time of enlistment or induction into or when ordered to duty in or with the state military forces or not later than 6 days after enlistment or induction. The sections shall be explained again after the enlisted person has completed 6 months' service and again at the time the enlisted person reenlists. A complete

text of this code and rules prescribed by the adjutant general under this code shall be made available to a member of the state military forces, upon request, for personal examination.

History: 1980, Act 523, Eff. Mar. 31, 1981
Admin Rule: R 32.101 et seq. and R 32.171 et seq. of the Michigan Administrative Code.

32.1138 Complaint to superior officer concerning commanding officer; forwarding complaint to officer exercising general court-martial jurisdiction; examination; redress; transmitting true statement of complaint with proceedings, to adjutant general.

Sec. 138.

A member of the state military forces who believes that he or she was wronged by the member's commanding officer, or who, upon due application to the commander, is refused redress, may complain to a superior officer who shall forward the complaint, in writing, to the officer exercising general court-martial jurisdiction over the officer against whom the complaint is made. That officer shall examine the complaint and take proper measures for redressing the wrong complained of, and the officer, as soon as possible, shall transmit to the adjutant general a true statement of the complaint, with the proceedings had on the complaint.

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

32.1139 Complaint to commanding officer concerning wilful damage to, or wrongful taking of, property of person; convening board to investigate complaint; membership and powers of board; assessment, approval, and payment of damages.

Sec. 139.

(1) If a complaint is made to a commanding officer that wilful damage has been done to the property of a person subject to this code or that his or her property has been wrongfully taken by 1 or more members of the state military forces, the commanding officer, subject to the rules as may be prescribed pursuant to this code, may convene a board to investigate the complaint. The board shall consist of from 1 to 3 officers and shall have for the purpose of the investigation power to summon witnesses and examine witnesses upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board shall be subject to the approval of the commanding officer and the amount approved by the commanding officer shall be charged against the pay of the offender. The department of military affairs shall make payment to the injured party of damages assessed and approved.

(2) If the offender cannot be ascertained, but the organization or detachment to which the offender belongs is known, the adjutant general may direct that the amount of damages assessed and approved to be paid to the injured party from the nonappropriated military fund of the unit of the state military forces to which the offender belonged at the time the tort was committed.

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

32.1140 Delegation and subdelegation of authority vested in governor.

Sec. 140.

The governor is authorized to delegate the authority vested in the governor under this code and to provide for the subdelegation of that authority.

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

32.1141 Determining moral character, capacity, and general fitness of officer or warrant officer; efficiency board; unfavorable findings; demanding court of inquiry; adverse finding; discharge; procedural and other rules; right to counsel.

Sec. 141.

(1) The moral character, capacity, and general fitness for service of an officer or warrant officer of the state military forces not in the service of the United States may be determined by an efficiency board detailed on orders of the governor of 3 commissioned officers, senior in rank to the officer whose fitness for service is under inquiry. If the findings of the board are unfavorable concerning the officer, and if approved by the governor, the officer shall be discharged. However, the officer ordered to appear before an efficiency board as provided in this section, before the day the efficiency board convenes to consider his or her case, may demand that a court of inquiry, as provided by section 135, be substituted for the efficiency board. If pursuant to the demand a court of inquiry makes a finding adverse to the officer whose moral character, capacity, and general fitness for service are under investigation, and the finding is approved by the governor, the officer against whom the adverse finding is made, shall be discharged.

(2) The procedural and other rules applicable to courts of inquiry equally shall apply to efficiency boards. The officer whose moral character, capacity, and general fitness for service are under investigation shall have a right to counsel in the proceedings provided for in this section.

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

32.1142 Action or proceeding not to be prosecuted or maintained against convening authority, member of military court, or officer or person acting under convening authority or reviewing proceedings.

Sec. 142.

An action or proceeding shall not be prosecuted or maintained against the convening authority or member of a military court or officer or person acting under the convening authority or reviewing the proceedings on account of the approval, imposition, or execution of a sentence or the imposition or collection of a fine or penalty, or the execution or service of any process or mandate of a military court.

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

32.1143 Jurisdiction of military courts and board; presumption; burden of proof.

Sec. 143.

The jurisdiction of the military courts and board established by this code shall be presumed and the burden of proof shall rest on a person seeking to remove a court or board of jurisdiction in an action or proceeding.

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

32.1144 Appointing and removing person or persons to execute or serve process, mandate, or order.

Sec. 144.

Each summary court-martial and the president of any other court-martial and of a court of inquiry may appoint and remove 1 or more persons subject to this code to execute or serve a process, mandate, or order issued under authority of this code by the president or court officer.

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

32.1145 Issuance of process, mandates, and subpoenas duces tecum; form; enforcement; person to whom directed; execution or service and return; demanding or requiring payment of fee or charge prohibited.

Sec. 145.

(1) A military court is empowered to issue process and mandates necessary and proper to carry into full effect the powers vested in the court. The court shall have the power to issue subpoenas duces tecum and to enforce by attachment attendance of witnesses and production of books and records.

(2) The process and mandates may be issued by a summary court-martial, military judge, trial counsel, and the president of any other military court and may be directed to and executed or served by a person designated in section 144 or a civil law enforcement officer and shall be in a form as may be prescribed by rules promulgated pursuant to this code.

(3) A civil law enforcement officer or a person appointed pursuant to section 144 to whom a process or mandate may be directed shall execute or serve and return the process or mandate pursuant to the requirements of the process or mandate. Except as otherwise specifically provided in this code, the civil law enforcement officer or a person appointed pursuant to section 144 shall not demand or require payment of a fee or charge of any nature for receiving, executing, serving, or returning the process or mandate or for any services in connection with the process or mandate.

History: 1980, Act 523, Eff. Mar. 31, 1981
Admin Rule: R 32.171 et seq. of the Michigan Administrative Code.

32.1146 Fine; payment; delivery; deduction from pay or allowance due delinquent offender; payment of fine or penalty to state treasurer.

Sec. 146.

A fine ordered under this act shall be paid to this state and shall be delivered to the military court or paid to the person appointed by the military court pursuant to section 144 or 145 who executes the court's process. If not paid, the amount of the fine shall be noted upon the state roll or account for pay of the delinquent offender and deducted from pay or allowance due until the fine is liquidated. A fine or penalty imposed by a military court upon an officer or enlisted person shall be paid to the state treasurer by the military court collecting the fine or penalty not later than 30 days after the process for recovery of the fine or penalty is issued.

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

32.1147 Rules.

Sec. 147.

The adjutant general shall promulgate rules to implement this code under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1980, Act 523, Eff. Mar. 31, 1981 ;-- Am. 2024, Act 77, Imd. Eff. July 8, 2024
Admin Rule: R 32.101 et seq. and R 32.171 et seq. of the Michigan Administrative Code.

32.1148 Repeal of MCL 32.301 to 32.427.

Sec. 148.

Act No. 297 of the Public Acts of 1957, being sections 32.301 to 32.427 of the Compiled Laws of 1970, is repealed.

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