

APPENDIX 12

MAXIMUM PUNISHMENT CHART

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<i>Article</i>	<i>Offense</i>	<i>Discharge</i>	<i>Confinement</i>	<i>Forfeitures</i>
77	Principals (<i>see</i> Part IV, Para. 1 and pertinent offenses)			
78	Accessory after the fact (<i>see</i> Part IV, Para. 3.e.)			
79	Lesser included offenses (<i>see</i> Part IV, Para. 2 and pertinent offenses)			
80	Attempts (<i>see</i> Part IV, Para. 4.e.)			
81	Conspiracy (<i>see</i> Part IV, Para. 5.e.)			
82	Solicitation			
	If solicited offense committed, or attempted, <i>see</i> Part IV, Para. 6.e.			
	If solicited offense not committed:			
	Solicitation to desert ¹	DD, BCD	3 yrs. ¹	Total
	Solicitation to mutiny ¹	DD, BCD	10 yrs. ¹	Total
	Solicitation to commit act of misbehavior before enemy ¹	DD, BCD	10 yrs. ¹	Total
	Solicitation to commit act of sedition ¹	DD, BCD	10 yrs. ¹	Total
83	Fraudulent enlistment, appointment	DD, BCD	2 yrs.	Total
	Fraudulent separation	DD, BCD	5 yrs.	Total
84	Effecting unlawful enlistment, appointment, separation	DD, BCD	5 yrs.	Total
85	Desertion			
	In time of war	Death, DD, BCD	Life ⁴	Total
	Intent to avoid hazardous duty, shirk important service ¹	DD, BCD	5 yrs. ¹	Total
	Other cases			
	Terminated by apprehension	DD, BCD	3 yrs. ¹	Total
	Otherwise terminated	DD, BCD	2 yrs. ¹	Total
86	Absence without leave, etc.			
	Failure to go, going from place of duty	None	1 mo.	2/3 1 mo.
	Absence from unit, organization, etc.			
	Not more than 3 days	None	1 mo.	2/3 1 mo.
	More than 3, not more than 30 days	None	6 mos.	2/3 6 mos.
	More than 30 days	DD, BCD	1 yr.	Total
	More than 30 days and terminated by apprehension	DD, BCD	1 yr., 6 mos.	Total
	Absence from guard or watch	None	3 mos.	2/3 3 mos.
	Absence from guard or watch with intent to abandon	BCD	6 mos.	Total
	Absence with intent to avoid maneuvers, field exercises	BCD	6 mos.	Total
87	Missing movement			
	Through design	DD, BCD	2 yrs.	Total
	Through neglect	BCD	1 yr.	Total
88	Contempt toward officials	Dismissal	1 yr.	Total
89	Disrespect toward superior commissioned officer	BCD	1 yr.	Total
90	Assaulting, willfully disobeying superior commissioned officer			
	In time of war	Death, DD, BCD	Life ⁴	Total
	Striking, drawing or lifting up any weapon or offering any violence toward superior commissioned officer execution of duty ¹	DD, BCD	10 yrs. ¹	Total
	Willfully disobeying lawful order of superior commissioned officer ¹	DD, BCD	5 yrs. ¹	Total
91	Insubordinate conduct toward warrant, noncommissioned, petty officer			
	Striking or assaulting:			
	Warrant officer	DD, BCD	5 yrs.	Total
	Superior noncommissioned officer	DD, BCD	3 yrs.	Total
	Other noncommissioned or petty officer	DD, BCD	1 yr.	Total
	Willfully disobeying:			
	Warrant officer	DD, BCD	2 yrs.	Total
	Noncommissioned or petty officer	BCD	1 yr.	Total
	Contempt, disrespect toward:			
	Warrant Officer	BCD	9 mos.	Total
	Superior noncommissioned or petty officer	BCD	6 mos.	Total
	Other noncommissioned or petty officer	None	3 mos.	2/3 3 mos.

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<i>Article</i>	<i>Offense</i>	<i>Discharge</i>	<i>Confinement</i>	<i>Forfeitures</i>
92	Failure to obey order, regulation			
	Violation, failure to obey general order or regulation ²	DD, BCD	2 yrs.	Total
	Violation, failure to obey other order ²	BCD	6 mos.	Total
	Dereliction in performance of duties			
	Through neglect, culpable inefficiency	None	3 mos.	2/3 3 mos.
	Willful	BCD	6 mos.	Total
93	Cruelty, maltreatment of subordinates	DD, BCD	1 yr.	Total
94	Mutiny & sedition	Death, DD, BCD	Life ⁴	Total
95	Resisting apprehension, flight, breach of arrest, escape			
	Resisting apprehension	BCD	1 yr.	Total
	Flight from apprehension	BCD	1 yr.	Total
	Breaking arrest	BCD	6 mos.	Total
	Escape from custody, pretrial confinement, or confinement on bread and water or diminished rations	DD, BCD	1 yr.	Total
	Escape from post-trial confinement	DD, BCD	5 yrs.	Total
96	Releasing prisoner without proper authority	DD, BCD	2 yrs.	Total
	Suffering prisoner to escape through neglect	BCD	1 yr.	Total
	Suffering prisoner to escape through design	DD, BCD	2 yrs.	Total
97	Unlawful detention	DD, BCD	3 yrs.	Total
98	Noncompliance with procedural rules, etc.			
	Unnecessary delay in disposition of case	BCD	6 mos.	Total
	Knowingly, intentionally failing to comply, enforce code	DD, BCD	5 yrs.	Total
99	Misbehavior before enemy	Death, DD, BCD	Life ⁴	Total
100	Subordinate compelling surrender	Death, DD, BCD	Life ⁴	Total
101	Improper use of countersign	Death, DD, BCD	Life ⁴	Total
102	Forcing safeguard	Death, DD, BCD	Life ⁴	Total
103	Captured, abandoned property; failure to secure, etc.			
	Of value of \$100.00 or less	BCD	6 mos.	Total
	Of value of more than \$100.00	DD, BCD	5 yrs.	Total
	Looting, pillaging	DD, BCD	Life ⁴	Total
104	Aiding the enemy	Death, DD, BCD	Life ⁴	Total
105	Misconduct as prisoner	DD, BCD	Life ⁴	Total
106	Spying	Mandatory Death, DD, BCD	Not applicable	Total
106a	Espionage			
	Cases listed in Art. 106a(a)(1)(A)–(D)	Death, DD, BCD	Life ⁴	Total
	Other cases	DD, BCD	Life ⁴	Total
107	False official statements	DD, BCD	5 yrs.	Total
108	Selling, otherwise disposing			
	Of value of \$100.00 or less	BCD	1 yr.	Total
	Of value of more than \$100.00	DD, BCD	10 yrs.	Total
	Any firearm, explosive or incendiary device	DD, BCD	10 yrs.	Total
	Damaging, destroying, losing or suffering to be lost, damaged, destroyed, sold, or wrongfully disposed:			
	Through neglect, of a value of:			
	\$100.00 or less	None	6 mos.	2/3 6 mos.
	More than \$100.00	BCD	1 yr.	Total
	Willfully, of a value of:			
	\$100.00 or less	BCD	1 yr.	Total
	More than \$100.00	DD, BCD	10 yrs.	Total
	Any firearm, explosive, or incendiary device	DD, BCD	10 yrs.	Total
109	Property other than military property of U.S.: loss, damage, destruction, disposition:			

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Article	Offense	Discharge	Confinement	Forfeitures
	Wasting, spoiling, destroying, or damaging property of a value of:			
	\$100.00 or less	BCD	1 yr.	Total
	More than \$100.00	DD, BCD	5 yrs.	Total
110	Hazarding a vessel			
	Willfully and wrongfully	Death, DD, BCD	Life ⁴	Total
	Negligently	DD, BCD	2 yrs.	Total
111	Drunken driving			
	Resulting in personal injury	DD, BCD	1 yr., 6 mos.	Total
	Other cases	BCD	6 mos.	Total
112	Drunk on duty	BCD	9 mos.	Total
112a	Wrongful use, possession, etc. of controlled substances ³			
	Wrongful use, possession, manufacture, or introduction of:			
	Amphetamine, cocaine, heroin, lysergic acid diethylamide, marijuana (except possession of less than 30 grams or use), methamphetamine, opium, phencyclidine, secobarbital, and Schedule I, II, and III controlled substances	DD, BCD	5 yrs.	Total
	Marijuana (possession of less than 30 grams or use), phenobarbital, and Schedule IV and V controlled substances	DD, BCD	2 yrs.	Total
	Wrongful distribution of, or, with intent to distribute, wrongful possession, manufacture, introduction, or wrongful importation of or exportation of:			
	Amphetamine, cocaine, heroin, lysergic acid diethylamide, marijuana, methamphetamine, opium, phencyclidine, secobarbital, and Schedule I, II, and III controlled substances	DD, BCD	15 yrs.	Total
	Phenobarbital and Schedule IV and V controlled substances	DD, BCD	10 yrs.	Total
113	Misbehavior of sentinel or lookout			
	In time of war	Death, DD, BCD	Life ⁴	Total
	In other time:			
	While receiving special pay under 37 U.S.C. 310	DD, BCD	10 yrs.	Total
	Other places	DD, BCD	1 yr.	Total
114	Dueling	DD, BCD	1 yr.	Total
115	Malingering			
	Feigning illness, etc.			
	In time of war, or while receiving special pay under 37 U.S.C. 310	DD, BCD	3 yrs.	Total
	Other	DD, BCD	1 yr.	Total
	Intentional self-inflicted injury			
	In time of war, or while receiving special pay under 37 U.S.C. 310	DD, BCD	10 yrs.	Total
	Other	DD, BCD	5 yrs.	Total
116	Riot	DD, BCD	10 yrs.	Total
	Breach of peace	None	6 mos.	2/3 6 mos.
117	Provoking speech, gestures	None	6 mos.	2/3 6 mos.
118	Murder			
	Article 118(1) or (4)	Death, mandatory minimum life with parole, DD, BCD	Life ⁴	Total
	Article 118(2) or (3)	DD, BCD	Life ⁴	Total
119	Manslaughter			
	Voluntary	DD, BCD	15 yrs.	Total
	Involuntary	DD, BCD	10 yrs.	Total
120	Rape	Death, DD, BCD	Life ⁴	Total
	Carnal knowledge			
	With child at least 12	DD, BCD	20 yrs.	Total
	With child under the age of 12	DD, BCD	Life ⁴	Total
121	Larceny			
	Of military property of a value of \$100.00 or less	BCD	1 yr.	Total
	Of property other than military property of a value of \$100.00 or less	BCD	6 mos.	Total
	Of military property of a value of more than \$100.00 or of any military motor vehicle, aircraft, vessel, firearm, or explosive	DD, BCD	10 yrs.	Total

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Article	Offense	Discharge	Confinement	Forfeitures
	Of property other than military property of a value of more than \$100.00 or any motor vehicle, aircraft, vessel, firearm, or explosive	DD, BCD	5 yrs.	Total
	Wrongful appropriation			
	Of value of \$100.00 or less	None	3 mos.	2/3 3 mos.
	Of value of more than \$100.00	BCD	6 mos.	Total
	Of any motor vehicle, aircraft, vessel, firearm, or explosive	DD, BCD	2 yrs.	Total
122	Robbery			
	Committed with a firearm	DD, BCD	15 yrs.	Total
	Other cases	DD, BCD	10 yrs.	Total
123	Forgery	DD, BCD	5 yrs.	Total
123a	Checks, etc., insufficient funds, intent to deceive			
	To procure anything of value of:			
	\$100.00 or less	BCD	6 mos.	Total
	More than \$100.00	DD, BCD	5 yrs.	Total
	For payment of past due obligation, and other cases	BCD	6 mos.	Total
124	Maiming	DD, BCD	7 yrs.	Total
125	Sodomy			
	By force and without consent	DD, BCD	Life ⁴	Total
	With child under age of 16 years and at least 12	DD, BCD	20 yrs.	Total
	With child under the age of 12	DD, BCD	Life ⁴	Total
	Other cases	DD, BCD	5 yrs.	Total
126	Arson			
	Aggravated	DD, BCD	20 yrs.	Total
	Other cases, where property value is:			
	\$100.00 or less	DD, BCD	1 yr.	Total
	More than \$100.00	DD, BCD	5 yrs.	Total
127	Extortion	DD, BCD	3 yrs.	Total
128	Assaults			
	Simple Assault:			
	Generally	None	3 mos.	2/3 3 mos.
	With an unloaded firearm	DD, BCD	3 yrs.	Total
	Assault consummated by battery	BCD	6 mos.	Total
	Assault upon commissioned officer of U.S. or friendly power not in execution of office	DD, BCD	3 yrs.	Total
	Assault upon warrant officer, not in execution of office	DD, BCD	1 yr., 6 mos.	Total
	Assault upon noncommissioned or petty officer not in execution of office	BCD	6 mos.	Total
	Assault upon, in execution of office, person serving as sentinel, lookout, security policeman, military policeman, shore patrol, master at arms, or civil law enforcement	DD, BCD	3 yrs.	Total
	Assault consummated by battery upon child under age of 16 years	DD, BCD	2 yrs.	Total
	Assault with dangerous weapon or means likely to produce grievous bodily harm or death:			
	Committed with loaded firearm	DD, BCD	8 yrs.	Total
	Other cases	DD, BCD	3 yrs.	Total
	Assault in which grievous bodily harm is intentionally inflicted:			
	With a loaded firearm	DD, BCD	10 yrs.	Total
	Other cases	DD, BCD	5 yrs.	Total
129	Burglary	DD, BCD	10 yrs.	Total
130	Housebreaking	DD, BCD	5 yrs.	Total
131	Perjury	DD, BCD	5 yrs.	Total
132	Frauds against the United States			
	Offenses under article 132(1) or (2)	DD, BCD	5 yrs.	Total
	Offenses under article 132(3) or (4)			
	\$100.00 or less	BCD	6 mos.	Total
	More than \$100.00	DD, BCD	5 yrs.	Total

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Article	Offense	Discharge	Confinement	Forfeitures
133	Conduct unbecoming officer (<i>see</i> Part IV, para. 59e)	Dismissal	1 yr. or as prescribed	Total
134	Abusing public animal	None	3 mos.	2/3 3 mos.
	Adultery	DD, BCD	1 yr.	Total
	Assault, indecent	DD, BCD	5 yrs.	Total
	Assault			
	With intent to commit murder or rape	DD, BCD	20 yrs.	Total
	With intent to commit voluntary manslaughter, robbery, sodomy, arson, or burglary	DD, BCD	10 yrs.	Total
	With intent to commit housebreaking	DD, BCD	5 yrs.	Total
	Bigamy	DD, BCD	2 yrs.	Total
	Bribery	DD, BCD	5 yrs.	Total
	Graft	DD, BCD	3 yrs.	Total
	Burning with intent to defraud	DD, BCD	10 yrs.	Total
	Check, worthless, making and uttering—by dishonorably failing to maintain funds	BCD	6 mos.	Total
	Cohabitation, wrongful	None	4 mos.	2/3 4 mos.
	Correctional custody, escape from	DD, BCD	1 yr.	Total
	Correctional custody, breach of	BCD	6 mos.	Total
	Debt, dishonorably failing to pay	BCD	6 mos.	Total
	Disloyal statements	DD, BCD	3 yrs.	Total
	Disorderly conduct			
	Under such circumstances as to bring discredit	None	4 mos.	2/3 4 mos.
	Other cases	None	1 mo.	2/3 1 mo.
	Drunkenness			
	Aboard ship or under such circumstances as to bring discredit	None	3 mos.	2/3 3 mos.
	Other cases	None	1 mo.	2/3 1 mo.
	Drunk and disorderly			
	Aboard ship	BCD	6 mos.	Total
	Under such circumstances as to bring discredit	None	6 mos.	2/3 6 mos.
	Other cases	None	3 mos.	2/3 3 mos.
	Drinking liquor with prisoner	None	3 mos.	2/3 3 mos.
	Drunk prisoner	None	3 mos.	2/3 3 mos.
	Drunkenness—incapacitating oneself for performance of duties through prior indulgence in intoxicating liquor or drugs	None	3 mos.	2/3 3 mos.
	Endangerment, reckless	BCD	1 yr.	Total
	False or unauthorized pass offenses			
	Possessing or using with intent to defraud or deceive, or making, altering, counterfeiting, tampering with, or selling	DD, BCD	3 yrs.	Total
	All other cases	BCD	6 mos.	Total
	False pretenses, obtaining services under			
	Of a value of \$100.00 or less	BCD	6 mos.	Total
	Of a value of more than \$100.00	DD, BCD	5 yrs.	Total
	False swearing	DD, BCD	3 yrs.	Total
	Firearm, discharging—through negligence	None	3 mos.	2/3 3 mos.
	Firearm, discharging—willfully, under such circumstances as to endanger human life	DD, BCD	1 yr.	Total
	Fleeing scene of accident	BCD	6 mos.	Total
	Fraternization	Dismissal	2 yrs.	Total
	Gambling with subordinates	None	3 mos.	2/3 3 mos.
	Homicide, negligent	DD, BCD	3 yrs.	Total
	Impersonation			
	With intent to defraud	DD, BCD	3 yrs.	Total
	All other cases	BCD	6 mos.	Total
	Indecent act, liberties with child	DD, BCD	7 yrs.	Total
	Indecent exposure	BCD	6 mos.	Total
	Indecent language			
	Communicated to child under 16 yrs	DD, BCD	2 yrs.	Total
	Other cases	BCD	6 mos.	Total
	Indecent acts with another	DD, BCD	5 yrs.	Total
	Jumping from vessel into the water	BCD	6 mos.	Total

App. 12, Art. 134

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<i>Article</i>	<i>Offense</i>	<i>Discharge</i>	<i>Confinement</i>	<i>Forfeitures</i>
	Kidnapping	DD, BCD	Life ⁴	Total
	Mail, taking, opening, secreting, destroying, or stealing	DD, BCD	5 yrs.	Total
	Mails, depositing or causing to be deposited obscene matters in	DD, BCD	5 yrs.	Total
	Misprision of serious offense	DD, BCD	3 yrs.	Total
	Obstructing justice	DD, BCD	5 yrs.	Total
	Wrongful interference with an adverse administrative proceeding	DD, BCD	5 yrs.	Total
	Pandering	DD, BCD	5 yrs.	Total
	Prostitution	DD, BCD	1 yr.	Total
	Parole, violation of	BCD	6 mos.	2/3 6 mos.
	Perjury, subornation of	DD, BCD	5 yrs.	Total
	Public record, altering, concealing, removing, mutilating, obliterating, or destroying	DD, BCD	3 yrs.	Total
	Quarantine, breaking	None	6 mos.	2/3 6 mos.
	Reckless endangerment	BCD	1 yr.	Total
	Restriction, breaking	None	1 mo.	2/3 1 mo.
	Seizure, destruction, removal, or disposal of property to prevent	DD, BCD	1 yr.	Total
	Self-injury without intent to avoid service			
	In time of war, or in a hostile fire pay zone	DD	5 yrs.	Total
	Other	DD	2 yrs.	Total
	Sentinel, lookout			
	Disrespect to	None	3 mos.	2/3 3 mos.
	Loitering or wrongfully sitting on post by			
	In time of war or while receiving special pay	DD, BCD	2 yrs.	Total
	Other cases	BCD	6 mos.	Total
	Soliciting another to commit an offense (<i>see</i> Part IV, para. 105e)			
134	Stolen property, knowingly receiving, buying, concealing			
	Of a value of \$100.00 or less	BCD	6 mos.	Total
	Of a value of more than \$100.00	DD, BCD	3 yrs.	Total
	Straggling	None	3 mos.	2/3 3 mos.
	Testify, wrongfully refusing to	DD, BCD	5 yrs.	Total
	Threat, bomb, or hoax	DD, BCD	5 yrs.	Total
	Threat, communicating	DD, BCD	3 yrs.	Total
	Unlawful entry	BCD	6 mos.	Total
	Weapon, concealed, carrying	BCD	1 yr.	Total
	Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button	BCD	6 mos.	Total

Notes:

1. Suspended in time of war.
2. *See* paragraph 16e(1) & (2) Note, Part IV
3. When any offense under paragraph 37, Part IV, is committed: while the accused is on duty as a sentinel or lookout; on board a vessel or aircraft used by or under the control of the armed forces; in or at a missile launch facility used by or under the control of the armed forces; while receiving special pay under 37 U.S.C. sec. 310; in time of war; or in a confinement facility used by or under the control of the armed forces, the maximum period of confinement authorized for such offense shall be increased by 5 years.
4. With or without eligibility for parole.