

Dec. 23, 2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as a note under section 801 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 applicable with respect to offenses committed after Dec. 31, 2002, see section 582(d) of Pub. L. 107-107, set out as a note under section 816 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-209 effective first day of eighth calendar month beginning after Dec. 6, 1983, see section 12(a)(1) of Pub. L. 98-209, set out as a note under section 801 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-632 effective first day of tenth month following October 1968, see section 4 of Pub. L. 90-632, set out as a note under section 801 of this title.

SUBCHAPTER VI—PRE-TRIAL PROCEDURE

Sec.	Art.
830.	30. Charges and specifications.
830a.	30a. Certain proceedings conducted before referral.
831.	31. Compulsory self-incrimination prohibited.
832.	32. Preliminary hearing.
833.	33. Forwarding of charges.
834.	34. Advice of staff judge advocate and reference for trial.
835.	35. Service of charges.

AMENDMENT OF ANALYSIS

Pub. L. 115-91, div. A, title X, § 1081(d)(19)(A), Dec. 12, 2017, 131 Stat. 1599, 1601, made technical amendment to Pub. L. 114-328, § 5541(3), set out in part below, effective as of Dec. 23, 2016, and as if included in Pub. L. 114-328 as enacted. See 2017 Amendment note below.

Pub. L. 114-328, div. E, title LXIII, § 5541(3)(B), 5542, Dec. 23, 2016, 130 Stat. 2966, 2967, as amended by Pub. L. 115-91, div. A, title X, § 1081(d)(19)(A), Dec. 12, 2017, 131 Stat. 1601, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, this analysis is amended by striking items 832 to 835 and inserting the following new items:

Sec.	Art.
832.	32. Preliminary hearing required before referral to general court-martial.
833.	33. Disposition guidance.
834.	34. Advice to convening authority before referral for trial.
835.	35. Service of charges; commencement of trial.

See 2016 Amendment note below.

AMENDMENTS

2017—Pub. L. 115-91, div. A, title X, § 1081(d)(19)(A), (C), Dec. 12, 2017, 131 Stat. 1601, amended Pub. L. 114-328, § 5541(3). See 2016 Amendment note below.

2016—Pub. L. 114-328, div. E, title LXIII, § 5541(3), Dec. 23, 2016, 130 Stat. 2965, as amended by Pub. L. 115-91, div. A, title X, § 1081(d)(19)(A), (C), Dec. 12, 2017, 131 Stat. 1601, added item 830a and substituted “Preliminary hearing required before referral to general court-

martial” for “Preliminary hearing” in item 832, “Disposition guidance” for “Forwarding of charges” in item 833, “Advice to convening authority before referral for trial” for “Advice of staff judge advocate and reference for trial” in item 834, and “Service of charges; commencement of trial” for “Service of charges” in item 835.

2013—Pub. L. 113-66, div. A, title XVII, § 1702(a)(2), Dec. 26, 2013, 127 Stat. 955, substituted “Preliminary hearing” for “Investigation” in item 832.

§ 830. Art. 30. Charges and specifications

(a) Charges and specifications shall be signed by a person subject to this chapter under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

(1) that the signer has personal knowledge of or has investigated, the matters set forth therein; and

(2) that they are true in fact to the best of his knowledge and belief.

(b) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against him as soon as practicable.

(Aug. 10, 1956, ch. 1041, 70A Stat. 47; Pub. L. 114-328, div. E, title LVI, § 5201, Dec. 23, 2016, 130 Stat. 2904.)

AMENDMENT OF SECTION

Pub. L. 114-328, div. E, title LVI, § 5201, title LXIII, § 5542, Dec. 23, 2016, 130 Stat. 2904, 2967, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, this section is amended to read as follows:

§ 830. Art 30. Charges and specifications

(a) IN GENERAL.—Charges and specifications—

(1) may be preferred only by a person subject to this chapter; and

(2) shall be preferred by presentment in writing, signed under oath before a commissioned officer of the armed forces who is authorized to administer oaths.

(b) REQUIRED CONTENT.—The writing under subsection (a) shall state that—

(1) the signer has personal knowledge of, or has investigated, the matters set forth in the charges and specifications; and

(2) the matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.

(c) DUTY OF PROPER AUTHORITY.—When charges and specifications are preferred under subsection (a), the proper authority shall, as soon as practicable—

(1) inform the person accused of the charges and specifications; and

(2) determine what disposition should be made of the charges and specifications in the interest of justice and discipline.

See 2016 Amendment note below.

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
830(a)	50:601(a).	May 5, 1950, ch. 169, §1 (Art. 30), 64 Stat. 118.
830(b)	50:601(b).	

In subsection (a), the word “they” is substituted for the words “the same”. The word “commissioned” is inserted for clarity.

AMENDMENTS

2016—Pub. L. 114-328 amended section generally. Prior to amendment, text read as follows:

“(a) Charges and specifications shall be signed by a person subject to this chapter under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

“(1) that the signer has personal knowledge of or has investigated, the matters set forth therein; and

“(2) that they are true in fact to the best of his knowledge and belief.

“(b) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against him as soon as practicable.”

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as a note under section 801 of this title.

§ 830a. Art. 30a. Certain proceedings conducted before referral

(a) IN GENERAL.—(1) Proceedings may be conducted to review, or otherwise act on, the following matters before referral of charges and specifications to court-martial for trial in accordance with regulations prescribed by the President:

(A) Pre-referral investigative subpoenas.

(B) Pre-referral warrants or orders for electronic communications.

(C) Pre-referral matters referred by an appellate court.

(D) Pre-referral matters under subsection (c) or (e) of section 806b of this title (article 6b).

(2) The regulations prescribed under paragraph (1) shall—

(A) include procedures for the review of such rulings that may be ordered under this section as the President considers appropriate; and

(B) provide such limitations on the relief that may be ordered under this section as the President considers appropriate.

(3) If any 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 shall be transferred to the military judge detailed to the court-martial.

(b) DETAIL OF MILITARY JUDGE.—The Secretary concerned shall prescribe regulations providing for the manner in which military judges are detailed to proceedings under subsection (a)(1).

(c) DISCRETION TO DESIGNATE MAGISTRATE TO PRESIDE.—In accordance with regulations pre-

scribed by the Secretary concerned, a military judge detailed to a proceeding under subsection (a)(1), other than a proceeding described in subparagraph (B) of that subsection, may designate a military magistrate to preside over the proceeding.

(Added Pub. L. 114-328, div. E, title LVI, §5202, Dec. 23, 2016, 130 Stat. 2904; amended Pub. L. 115-91, div. A, title V, §531(b), Dec. 12, 2017, 131 Stat. 1384.)

DELAYED EFFECTIVE DATE

For delayed effective date of section, see Effective Date note below.

AMENDMENTS

2017—Subsec. (a)(1). Pub. L. 115-91, §531(b)(1), inserted “, or otherwise act on,” after “to review” in introductory provisions.

Subsec. (a)(1)(D). Pub. L. 115-91, §531(b)(2), added subpar. (D).

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-91 effective immediately after this section takes effect as provided for in section 5542 of Pub. L. 114-328 (10 U.S.C. 801 note), see section 531(p) of Pub. L. 115-91, set out as a note under section 801 of this title.

EFFECTIVE DATE

Section effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as an Effective Date of 2016 Amendment note under section 801 of this title.

§ 831. Art. 31. Compulsory self-incrimination prohibited

(a) No person subject to this chapter may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

(b) No person subject to this chapter may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial.

(c) No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.

(d) No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against him in a trial by court-martial.

(Aug. 10, 1956, ch. 1041, 70A Stat. 48.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
831(a)	50:602(a).	May 5, 1950, ch. 169, §1 (Art 31), 64 Stat. 118.
831(b)	50:602(b).	