

Section 7. Appendix 12A of the Manual for Courts-Martial, United States is amended and reads as follows:

APPENDIX 12A

This Appendix contains the list of lesser included offenses prescribed by the President in EO XXXXX under Article 79(b)(2) as “reasonably included” in the greater offense. See Part IV, paragraph 3.b. of this Manual for an explanation regarding the offenses designated under Article 79(b)(2). This is not an exhaustive list of lesser included offenses. For offenses that may or may not be lesser included offenses, see R.C.M. 307(c)(3) and its accompanying Discussion regarding charging in the alternative.

PRESIDENTIALLY PRESCRIBED LESSER INCLUDED OFFENSES

<i>Article</i>	<i>Offense</i>	<i>Lesser Included Offense</i>
84	Breach of medical quarantine	Art. 87b – Breach of restriction
	Desertion	
	<i>-Desertion with intent to remain away permanently</i>	Art. 86 – Absence without leave
	<i>-Desertion with intent to avoid hazardous duty or shirk important service</i>	Art. 86 – Absence without leave
	<i>-Desertion before notice of acceptance of resignation</i>	Art. 86 – Absence without leave
	<i>-Attempted desertion</i>	Art. 86 – Absence without leave
87	Missing movement; jumping from vessel	
	<i>-Missing movement by design</i>	Art. 86 – Absence without leave Art. 87 – Missing movement by neglect
	<i>-Missing movement by neglect</i>	Art. 86 – Absence without leave
87b	Offenses against correctional custody and restriction	
	<i>-Escape from correctional custody</i>	Art. 87b – Breach of correctional custody
89	Disrespect toward superior commissioned officer; assault of superior commissioned officer	
	<i>-Striking or assaulting superior commissioned officer</i>	Art. 128 – Simple assault Art. 128 – Assault consummated by a battery Art. 128 – Assault upon a commissioned officer not in the execution of office

90	Willfully disobeying superior commissioned officer	Art. 89 – Disrespect toward superior commissioned officer Art. 92 – Failure to obey lawful order
91	Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer	
	<i>-Striking or assaulting warrant, noncommissioned, or petty officer in the execution of office</i>	Art. 128 – Simple assault Art. 128 – Assault consummated by a battery Art. 128 – Assault upon a warrant, noncommissioned, or petty officer not in the execution of office
	<i>-Disobeying a warrant, noncommissioned, or petty officer</i>	Art. 92 – Failure to obey lawful order
94	Mutiny or sedition	
	<i>-Mutiny by creating violence or disturbance</i>	Art. 94 – Attempted mutiny Art. 116 – Breach of peace
	<i>-Mutiny by refusing to obey orders or perform duty</i>	Art. 92 – Failure to obey order or regulation Art. 92 – Dereliction of duty Art. 94 – Attempted mutiny
	<i>-Sedition</i>	Art. 116 – Breach of peace
95	Offenses by sentinel or lookout	
	<i>-Drunk on post</i>	Art. 92 – Dereliction of duty Art. 112 – Drunk on duty
	<i>-Sleeping on post</i>	Art. 92 – Dereliction of duty
	<i>-Leaving post</i>	Art. 86 – Going from appointed place of duty Art. 92 – Dereliction of duty
	<i>-Loitering or wrongfully sitting on post</i>	Art. 92 – Dereliction of duty
96	Release of prisoner without authority; drinking with prisoner	
	<i>-Allowing a prisoner to escape through design</i>	Art. 96 – Allowing a prisoner to escape through neglect
99	Misbehavior before the enemy	
	<i>-Running away</i>	Art. 86 – Absence without leave; going

		from appointed place of duty
	<i>-Endangering safety of a command, unit, place, ship, or military property through disobedience</i>	Art. 92 – Failure to obey lawful order Art. 92 – Dereliction in the performance of duties
	<i>-Endangering safety of a command, unit, place, ship, or military property through neglect or intentional misconduct</i>	Art. 92 – Dereliction in the performance of duties
	<i>-Casting away arms or ammunition</i>	Art. 108 – Military property of the United States – loss or wrongful disposition
	<i>-Cowardly conduct</i>	
	<i>-Quitting place of duty to plunder or pillage</i>	Art. 86 – Going from appointed place of duty
100	Subordinate compelling surrender	
	<i>-Compelling surrender</i>	Art. 100 – Attempting to compel surrender
103a	Espionage	Art. 103a – Attempted espionage
103b	Aiding the enemy	
	<i>-Aiding the enemy</i>	Art. 103b – Attempting to aid the enemy
105a	False or unauthorized pass offenses	
	<i>-Wrongful making, altering, counterfeiting, or tampering with a military or official pass, permit, discharge certificate, or identification card</i>	Art. 105a – Wrongful use or possession of a false or unauthorized military or official pass, permit, discharge certificate, or identification card
	<i>-Wrongful sale, gift, loan, or disposition of a military or official pass, permit, discharge certificate, or identification card</i>	Art. 105a – Wrongful use or possession of a false or unauthorized military or official pass, permit, discharge certificate, or identification card
	<i>-Wrongful use or possession of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, with the intent to defraud or deceive</i>	Art. 105a – Wrongful use or possession of a false or unauthorized military or official pass, permit, discharge certificate, or identification card without the intent to defraud or deceive
108	Military property of the United States – Loss, damage, destruction, or wrongful disposition	
	<i>-Willfully damaging military property</i>	Art. 108 – Damaging military property through neglect

		Art. 109 – Willfully damaging non-military property
	<i>-Willfully destroying military property</i>	Art. 108 – Destroying military property through neglect Art. 108 – Damaging military property through neglect Art. 108 – Willfully damaging military property Art. 109 – Willfully destroying non-military property Art. 109 – Willfully damaging non-military property
	<i>-Willfully losing military property</i>	Art. 108 – Through neglect, losing military property
	<i>-Willfully suffering military property to be lost, damaged, destroyed, sold, or wrongfully disposed of</i>	Art. 108 – Through neglect, suffering military property to be lost, damaged, destroyed, sold, or wrongfully disposed of
109a	Mail matter: wrongful taking, opening, etc.	
	<i>-Taking</i>	Art. 121 – Larceny; wrongful appropriation
	<i>-Opening, secreting, destroying, or stealing</i>	Art. 121 – Larceny; wrongful appropriation
110	Improper hazarding of vessel or aircraft	
	<i>-Willfully and wrongfully causing or suffering a vessel or aircraft to be hazarded</i>	Art. 110 – Negligently causing or suffering a vessel or aircraft to be hazarded
112	Drunkenness and other incapacitation offenses	
	<i>-Drunk on duty</i>	Art. 92 – Dereliction of duty
	<i>-Incapacitation for duty from drunkenness or drug use</i>	Art. 92 – Dereliction of duty
112a	Wrongful use, possession, etc., of controlled substances	
	<i>-Wrongful use of controlled substance</i>	Art. 112a – Wrongful possession of controlled substance

	<i>-Wrongful distribution of controlled substance</i>	Art. 112a – Wrongful possession of controlled substance Art. 112a – Wrongful possession with intent to distribute
	<i>-Wrongful introduction of a controlled substance</i>	Art. 112a – Wrongful possession of controlled substance
	<i>-Wrongful manufacture of a controlled substance</i>	Art. 112a – Wrongful possession of controlled substance
	<i>-Wrongful possession, manufacture, or introduction of a controlled substance with intent to distribute</i>	Art. 112a – Wrongful possession, manufacture, or introduction of controlled substance
115	Communicating threats	
	<i>-Threat to use explosive, etc.</i>	Art. 115 – Communicating threats generally
116	Riot or breach of peace	
	<i>-Riot</i>	Art. 116 – Breach of peace
118	Murder	
	<i>-Premeditated murder</i>	Art. 118 – Intent to kill or inflict great bodily harm Art. 118 – Act inherently dangerous to another Art. 119 – Voluntary manslaughter
	<i>-Intent to kill or inflict great bodily harm</i>	Art. 119 – Voluntary manslaughter
	<i>-During certain offenses</i>	Art. 119 – Voluntary manslaughter
119	Manslaughter	
	<i>-Voluntary manslaughter</i>	Art. 119 – Involuntary manslaughter
119a	Death or injury of an unborn child	
	<i>-Killing an unborn child</i>	Art. 119a – Injuring an unborn child Art. 119a – Attempting to kill an unborn child
	<i>-Intentionally killing an unborn child</i>	Art. 119a – Killing an unborn child Art. 119a – Injuring an unborn child Art. 119a – Attempting to kill an unborn child
119b	Child endangerment	
	<i>-Child endangerment by design</i>	Art. 119b – Child endangerment by

		culpable negligence
120	Rape and sexual assault generally	
	Rape	Art. 128 – Assault with intent to commit rape
	<i>-By unlawful force</i>	Art. 128 – Simple assault
	<i>-By force causing or likely to cause death or grievous bodily harm</i>	Art. 128 – Simple assault
	<i>-By threatening or placing that other person in fear that any person would be subjected to death, grievous bodily harm, or kidnapping</i>	Art. 120(a)(1) – Rape by unlawful force Art. 120(b)(1)(A) – Sexual assault by threatening or placing that other person in fear
	<i>-By first rendering that other person unconscious</i>	Art. 120(b)(2)(B) – Sexual assault of a person who is asleep, unconscious, or otherwise unaware the act is occurring
	<i>-By administering a drug, intoxicant, or other similar substance</i>	Art. 128 – Simple assault Art. 128 – Assault consummated by a battery
	Sexual Assault	Art. 128 – Assault with intent to commit sexual assault
	<i>-Without consent</i>	Art. 128 – Assault consummated by a battery
120b	Rape and sexual assault of a child	
	Rape of a child	
	<i>-Rape of a child who has not attained the age of 12</i>	Art. 128 – Assault consummated by a battery
	<i>-Rape by force of a child who has attained the age of 12</i>	Art. 128 – Assault consummated by a battery
	<i>-Rape by threatening or placing in fear a child who has attained the age of 12</i>	Art. 120(b)(1)(A) – Sexual assault by threatening or placing that other person in fear
	<i>-Rape by rendering unconscious a child who has attained the age of 12</i>	Art. 120(b)(2)(B) – Sexual assault of a person who is asleep, unconscious, or otherwise unaware the act is occurring
	<i>-Rape by administering a drug, intoxicant, or other similar substance to a child who has attained the age of 12</i>	Art. 128 – Simple assault Art. 128 – Assault consummated by a battery
121	Larceny and wrongful appropriation	
	<i>-Larceny</i>	Art. 121 – Wrongful appropriation

122	Robbery	
	<i>-Robbery where the taking was by means of force, violence, or force and violence</i>	Art. 121 – Larceny; wrongful appropriation Art. 128 – Assault consummated by a battery Art. 128 – Simple assault Art. 128 – Assault with intent to commit robbery
	<i>-Robbery where the taking was by means of putting the person in fear</i>	Art. 121 – Larceny; wrongful appropriation Art. 128 – Simple assault Art. 128 – Assault with intent to commit robbery
123	Offenses concerning Government computers	
	<i>-Unauthorized distribution of classified information obtained from a Government computer</i>	Art. 123 – Unauthorized access of a Government computer and obtaining classified or other protected information
124a	Bribery	Art. 124b – Graft
128	Assault	
	<i>-Assault consummated by a battery upon a child under 16 years, a spouse, intimate partner, or immediate family member</i>	Art. 128 – Assault consummated by a battery
	<i>-Assault in which substantial bodily harm is inflicted</i>	Art. 128 – Assault consummated by a battery
	<i>-Assault in which grievous bodily harm is inflicted</i>	Art. 128 – Assault consummated by a battery Art. 128 – Assault in which substantial bodily harm is inflicted
	<i>-Assault with intent to murder</i>	Art. 128 – Simple assault Art. 128 – Assault with intent to commit voluntary manslaughter
	<i>-Assault with intent to commit voluntary manslaughter</i>	Art. 128 – Simple assault
	<i>-Assault with intent to commit rape or rape of a child</i>	Art. 128 – Simple assault
	<i>-Assault with intent to commit sexual</i>	Art. 128 – Simple assault

	<i>assault or sexual assault of a child</i>	
	<i>-Assault with intent to commit robbery, arson, burglary, or kidnapping</i>	Art. 128 – Simple assault
128a	Maiming	Art. 128 – Assault consummated by a battery Art. 128 – Assault in which substantial bodily harm is inflicted Art. 128 – Assault in which grievous bodily harm is inflicted
129	Burglary; unlawful entry	
	<i>-Burglary</i>	Art. 129 – Unlawful entry
134 (95)	Child pornography	
	<i>-Possessing child pornography with intent to distribute</i>	Art. 134(95) – Possessing child pornography
	<i>-Distributing child pornography</i>	Art. 134(95) – Possessing child pornography Art. 134(95) – Possessing child pornography with intent to distribute
	<i>-Producing child pornography</i>	Art. 134(95) – Possessing child pornography