§ 802. Art. 2. Persons subject to this chapter

(a) The following persons are subject to this chapter:

(1) Members of a regular component of the armed forces, including those awaiting discharge after expiration of their terms of enlistment; volunteers from the time of their muster or acceptance into the armed forces; inductees from the time of their actual induction into the armed forces; and other persons lawfully called or ordered into, or to duty in or for training in, the armed forces, from the dates when they are required by the terms of the call or order to obey it.

(2) Cadets, aviation cadets, and midshipmen.

(3) Members of a reserve component while on inactive-duty training, but in the case of members of the Army National Guard of the United States or the Air National Guard of the United States only when in Federal service.

(4) Retired members of a regular component of the armed forces who are entitled to pay.

(5) Retired members of a reserve component who are receiving hospitalization from an armed force.

(6) Members of the Fleet Reserve and Fleet Marine Corps Reserve.

(7) Persons in custody of the armed forces serving a sentence imposed by a court-martial.

(8) Members of the National Oceanic and Atmospheric Administration, Public Health Service, and other organizations, when assigned to and serving with the armed forces.

(9) Prisoners of war in custody of the armed forces.

(10) In time of declared war or a contingency operation, persons serving with or accompanying an armed force in the field.

(11) Subject to any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, persons serving with, employed by, or accompanying the armed forces outside the United States and outside the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(12) Subject to any treaty or agreement to which the United States is or may be a party or to any
accepted rule of international law, persons within an area leased by or otherwise reserved or
acquired for the use of the United States which is under the control of the Secretary concerned
and which is outside the United States and outside the Commonwealth of Puerto Rico, Guam,
and the Virgin Islands.

(13) Lawful enemy combatants (as that term is defined in section 948a(2) of this title) who
violate the law of war.

(b) The voluntary enlistment of any person who has the capacity to understand the significance of
enlisting in the armed forces shall be valid for purposes of jurisdiction under subsection (a) and a
change of status from civilian to member of the armed forces shall be effective upon the taking of
the oath of enlistment.

(c) Notwithstanding any other provision of law, a person serving with an armed force who--

(1) submitted voluntarily to military authority;

(2) met the mental competency and minimum age qualifications of sections 504 and 505 of this
title at the time of voluntary submission to military authority;

(3) received military pay or allowances; and

(4) performed military duties;

is subject to this chapter until such person's active service has been terminated in accordance with
law or regulations promulgated by the Secretary concerned.

(d)(1) A member of a reserve component who is not on active duty and who is made the subject
of proceedings under section 815 (article 15) or section 830 (article 30) with respect to an offense
against this chapter may be ordered to active duty involuntarily for the purpose of--

(A) investigation under section 832 of this title (article 32);

(B) trial by court-martial; or

(C) nonjudicial punishment under section 815 of this title (article 15).

(2) A member of a reserve component may not be ordered to active duty under paragraph (1)
extcept with respect to an offense committed while the member was--

(A) on active duty; or

(B) on inactive-duty training, but in the case of members of the Army National Guard of the
United States or the Air National Guard of the United States only when in Federal service.

(3) Authority to order a member to active duty under paragraph (1) shall be exercised under
regulations prescribed by the President.

(4) A member may be ordered to active duty under paragraph (1) only by a person empowered to
convene general courts-martial in a regular component of the armed forces.

A member ordered to active duty under paragraph (1), unless the order to active duty was approved by the Secretary concerned, may not--

(A) be sentenced to confinement; or

(B) be required to serve a punishment consisting of any restriction on liberty during a period other than a period of inactive-duty training or active duty (other than active duty ordered under paragraph (1)).

(e) The provisions of this section are subject to section 876b(d)(2) of this title (article 76b(d)(2)).

CREDIT(S)