

the Army, Washington, DC 20310, for authorization to make shipments via Military Sea Transportation Service vessels, in conformity with this section. Upon approval of the request, the Chief of Civil Affairs will issue a Department of Army Approved Part Program authorizing shipment from a designated Port of Embarkation to end of ship's tackle at port of discharge, and including fund citation for reimbursement of Chief of Transportation. All costs of inland transportation are to be borne by the voluntary agencies.

(d) *Refund by agencies.* Any agency reimbursed under this section will refund promptly to the Department of the Army upon demand the entire amount reimbursed (or such lesser amount as the Department may demand) whenever it is determined that the reimbursement was improper as being in violation of any of the provisions of the Foreign Assistance Act of 1948, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the Department of the Army.

(e) *Saving clause.* The Secretary of the Army may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this section.

(Interpret or apply Title II, sec. 112, 75 Stat. 719, 22 U.S.C. 2366 note)
[27 FR 177, Jan 6, 1962]

PART 503—APPREHENSION AND RESTRAINT

Sec.
503.1 Persons not subject to military law.
503.2 Delivery to civil authorities.

§ 503.1 Persons not subject to military law.

Persons not subject to military law may be apprehended or restrained by members of the Department of the Army, other than in foreign countries, as follows:

(a) *General.* All members of the Department of the Army having the ordinary right and duty of citizens to assist in the maintenance of the peace. Where, therefore, a felony or a misdemeanor amounting to a breach of the

peace is being committed in his presence, it is the right and duty of every member of the military service, as of every civilian, to apprehend the perpetrator.

(b) *Restraint.* The restraint imposed under the provisions of paragraph (a) of this section will not exceed that reasonably necessary, nor extend beyond such time as may be required to dispose of the case by orderly transfer of custody to civil authority or otherwise, under the law.

(c) *Ejection.* Persons not subject to military law who are found within the limits of military reservations in the act of committing a breach of regulations, not amounting to a felony or a breach of the peace, may be removed therefrom upon orders from the commanding officer and ordered by him not to reenter. For penalty imposed upon reentrance after ejection, see title 18, United States Code, section 1382.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)
[28 FR 2732, Mar. 20, 1963]

§ 503.2 Delivery to civil authorities.

(a) *Authority.* Any commanding officer exercising general court-martial jurisdiction or commanding officer designated by him may, in accordance with the Uniform Code of Military Justice, Article 14 (10 U.S.C. 814), authorize the delivery of a member of the Armed Forces under his command, when such member is accused of a crime or offense made punishable by the laws of the jurisdiction making the request, to the civil authorities of the United States, a State of the United States, or a political subdivision thereof under the conditions prescribed in this section.

(b) *Policy.* The policy of the Department of the Army is that commanding officers will cooperate with civil authorities and, unless the best interests of the service will be prejudiced thereby, will deliver a member of the Armed Forces to such authorities upon presentation of a proper request accompanied by reliable information showing that there is reasonable cause to believe that the person requested has committed a crime or offense made punishable by the laws of the jurisdiction making the request. A person will not be