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SEC. 546. MODIFICATION OF RULE 304 OF THE MILITARY RULES OF EVIDENCE RELATING TO THE CORROBORATION OF A CONFESSION OR ADMISSION.

Not later than 180 days after the date of the enactment of this Act, Rule 304(c) of the Military Rules of Evidence shall be modified as follows:

- (1) To provide that an admission or a confession of the accused may be considered as evidence against the accused on the question of guilt or innocence only if independent evidence, either direct or circumstantial, has been admitted into evidence which would tend to establish the trustworthiness of the admission or confession.

- (2) To provide that not every element or fact contained in the admission or confession must be independently proven for the admission or confession to be admitted into evidence in its entirety.
- (3) To strike the rule that if independent evidence raises an inference of the truth of some but not all of the essential facts admitted, the confession or admission may be considered as evidence against the accused only with respect to those essential facts stated in the confession or admission that are corroborated by the independent evidence.
- (4) With respect to the quantum of evidence needed to establish corroboration, to provide that the independent evidence need raise only an inference of the truth of the admission or confession.

SEC. 547. MODIFICATION OF RULE 104 OF THE RULES FOR COURTS-MARTIAL TO ESTABLISH CERTAIN PROHIBITIONS CONCERNING EVALUATIONS OF SPECIAL VICTIMS' COUNSEL.

Not later than 180 days after the date of the enactment of this Act, Rule 104(b) of the Rules for Courts-Martial shall be modified to provide that the prohibitions concerning evaluations established by that Rule shall apply to the giving of a less favorable rating or evaluation to any member of the Armed Forces serving as a Special Victims' Counsel because of the zeal with which such counsel represented a victim.

SEC. 548. RIGHT OF VICTIMS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE TO TIMELY DISCLOSURE OF CERTAIN MATERIALS AND INFORMATION IN CONNECTION WITH PROSECUTION OF OFFENSES.

Section 806b(a) of title 10, United States Code (article 6b(a) of the Uniform Code of Military Justice), is amended--

- (1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and
- (2) by inserting after paragraph (2) the following new paragraph (3):
 - `(3) The right to the timely disclosure by trial counsel to the victim (or the Special Victims' Counsel of the victim if the victim is so represented) of the following:
 - `(A) Any charges and specifications related to the offense.
 - `(B) Any motions filed by trial counsel or defense counsel in connection with the court-martial of the offense, unless otherwise protected from disclosure.
 - `(C) All statements by the accused related to the offense.
 - `(D) Any statement by the victim in connection with the offense that is in the possession of the government.
 - `(E) Any portions relating to the victim in any report of an investigation of the offense that is in the possession of the government.
 - `(F) In the event the staff judge advocate advises pursuant to section 834 of this title (article 34) that any charge or specification in connection with the offense not be referred for trial, the advice making such

recommendation, with such advice to be so provided before the convening authority acts on the advice.'

SEC. 549. ENFORCEMENT OF CERTAIN CRIME VICTIMS' RIGHTS BY THE COURT OF CRIMINAL APPEALS.

Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended--

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

`(d) Enforcement of Certain Rights by Court of Criminal Appeals- (1)(A) If the victim of an offense under this chapter believes that a preliminary hearing ruling under section 832 of this title (article 32), or a court-martial ruling, violates the victim's rights afforded by a section (article) or rule specified in paragraph (2), the victim may file an interlocutory appeal of such ruling by petitioning the Court of Criminal Appeals for an order to require the judge advocate conducting such preliminary hearing, or the court-martial, as the case may be, to comply with the section (article) or rule, as applicable.

`(B) A victim of an offense under this chapter who is subject to an order to submit to a deposition notwithstanding the fact that the victim shall be available to testify at the court-martial of the offense may file an interlocutory appeal of such order by petitioning the Court of Criminal Appeals for an order to quash such order.

`(C) The Court of Criminal Appeals shall provide a de novo review of the question or questions raised by a petition filed under this paragraph. A single judge or panel of judges shall take up and decide the petition within 72 hours after the petition is filed.

`(2) Paragraph (1)(A) applies with respect to the protections afforded by the following:

`(A) This section (article).

`(B) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim's sexual background.

`(C) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

`(D) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

`(E) Military Rule of Evidence 615, relating to the exclusion of witnesses.

`(3) The proceedings of a preliminary hearing under section 832 of this title (article 32), or a court-martial, may not be stayed or subject to a continuance of more than five days for purposes of enforcing this subsection. If the Court of Criminal Appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.'

SEC. 550. RELEASE TO VICTIMS UPON REQUEST OF COMPLETE RECORD OF PROCEEDINGS AND TESTIMONY OF COURTS-MARTIAL IN CASES IN WHICH SENTENCES ADJUDGED COULD INCLUDE PUNITIVE DISCHARGE.

(a) In General- Section 854(e) of title 10, United States Code (article 54(e) of the Uniform Code of Military Justice), is amended--

(1) by inserting '(1)' after '(e)';

(2) in paragraph (1), as so designated, by inserting `or the victim requests such records' before the period at the end of the first sentence; and

(3) by adding at the end the following new paragraphs:

`(2) In the case of a general or special court-martial involving an offense (other than an offense covered by paragraph (1)) for which the sentence as adjudged could include punitive discharge from the armed forces, a copy of all prepared records of the proceedings of the court-martial shall be given to the victim of the offense if the victim requests such records.

`(3) Records given to a victim under this subsection at the request of the victim in a case where the court-martial concerned resulted in the acquittal of the accused may include restrictions on release or use of such records or information in such records in order to protect the privacy or other interests of the accused.'

(b) Effective Date- The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to courts-martial first convened on or after that date.

SEC. 551. REPRESENTATION AND ASSISTANCE OF VICTIMS BY SPECIAL VICTIMS' COUNSEL IN QUESTIONING BY MILITARY CRIMINAL INVESTIGATORS.

Section 1044e(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

`(3)(A) In carrying out paragraph (1), a military criminal investigator seeking to question an individual eligible for the assistance of a Special Victims' Counsel under this section shall inform the individual of the individual's right to be represented by a Special Victims' Counsel in connection with such questioning.

`(B) If an individual described in subparagraph (A) requests representation by a Special Victims' Counsel in connection with questioning described in that subparagraph--

`(i) a Special Victims' Counsel shall represent and assist the individual during and in connection with such questioning;

`(ii) the military criminal investigator shall contact and question the individual only through the Special Victims' Counsel representing the individual; and

`(iii) the military criminal investigation may not contact or question the individual without the consent of such Special Victims' Counsel.

`(C) Nothing in this paragraph confers any right on an accused under investigation.

`(D) A violation of this paragraph shall not be a basis for the suppression of any statement of an individual described in subparagraph (A), or derivative evidence of such a statement, in a proceeding against a person accused with committing an offense against such individual.'

SEC. 552. AUTHORITY OF SPECIAL VICTIMS' COUNSEL TO PROVIDE LEGAL CONSULTATION AND ASSISTANCE IN CONNECTION WITH VARIOUS GOVERNMENT PROCEEDINGS.

Section 1044e(b) of title 10, United States Code, is amended--

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

`(9) Legal consultation and assistance in connection with--

`(A) any complaint against the Government, including an allegation under review by an inspector general and a complaint regarding equal employment opportunities;

`(B) any request to the Government for information, including a request under section 552a of title 5 (commonly referred to as a `Freedom of Information Act request'); and

`(C) any correspondence or other communications with Congress.'.

SEC. 553. ENHANCEMENT OF CONFIDENTIALITY OF RESTRICTED REPORTING OF SEXUAL ASSAULT IN THE MILITARY.

(a) Preemption of State Law To Ensure Confidentiality of Reporting- Subsection (b) of section 1565b of title 10, United States Code, is amended by adding at the end the following new paragraph:

`(3) In the case of information disclosed pursuant to paragraph (1), any State law or regulation that would require an individual specified in paragraph (2) to disclose the personally identifiable information of the adult victim or alleged perpetrator of the sexual assault to a State or local law enforcement agency shall not apply, except when reporting is necessary to prevent or mitigate a serious and imminent threat to the health or safety of an individual.'

(b) Clarification of Scope- Paragraph (1) of such subsection is amended by striking `a dependent' and inserting `an adult dependent'.

(c) Definitions- Such section is further amended by adding at the end the following new subsection:

`(c) Definitions- In this section:

`(1) SEXUAL ASSAULT- The term `sexual assault' includes the offenses of rape, sexual assault, forcible sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit such offenses, as punishable under applicable Federal or State law.

`(2) STATE- The term `State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.'

SEC. 554. ESTABLISHMENT OF OFFICE OF COMPLEX INVESTIGATIONS WITHIN THE NATIONAL GUARD BUREAU.

(a) In General- Chapter 1101 of title 10, United States Code, is amended by adding at the end the following new section:

`Sec. 10509. Office of Complex Investigations

`(a) In General- There is in the National Guard Bureau an Office of Complex Investigations (in this section referred to as the `Office') under the authority, direction, and control of the Chief of the National Guard Bureau.

`(b) Disposition and Functions- The Office shall be organized, trained, equipped, and managed to conduct administrative investigations in order to assist the States in the organization, maintenance, and operation of the National Guard as follows:

`(1) In investigations of allegations of sexual assault involving members of the National Guard.

`(2) In Investigations in circumstances involving members of the National Guard in which other law enforcement agencies within the Department of Defense do not have, or have limited, jurisdiction or authority to investigate.

`(3) In investigations in such other circumstances involving members of the National Guard as the Chief of the National Guard Bureau may direct.

`(c) Scope of Investigative Authority- Individuals performing investigations described in subsection (b)(1) are authorized--

`(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable establishment which relate to programs and operations with respect to the National Guard; and

`(2) to request such information or assistance as may be necessary for carrying out those duties from any Federal, State, or local governmental agency or unit thereof.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 1101 of such title is amended by adding at the end the following new item:

`10509. Office of Complex Investigations.'

SEC. 555. MODIFICATION OF DEADLINE FOR ESTABLISHMENT OF DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 546(a)(2) of the Carl Levin and Howard P. `Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3374; 10 U.S.C. 1561 note) is amended by striking `not later than' and all that follows and inserting `not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.'

SEC. 556. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON PREVENTION AND RESPONSE TO SEXUAL ASSAULT BY THE ARMY NATIONAL GUARD AND THE ARMY RESERVE.

(a) Initial Report- Not later than April 1, 2016, the Comptroller General of the United States shall submit to Congress a report on the preliminary assessment of the Comptroller General (made pursuant to a review conducted by the Comptroller General for purposes of this section) of the extent to which the Army National Guard and the Army Reserve--

(1) have in place policies and programs to prevent and respond to incidents of sexual assault involving members of the Army National Guard or the Army Reserve, as applicable;

(2) provide medical and mental health care services to members of the Army National Guard or the Army Reserve, as applicable, following a sexual assault; and

(3) have identified whether the nature of service in the Army National Guard or the Army Reserve, as the case may be, poses challenges to the prevention of or response to sexual assault.

(b) Additional Reports- If after submitting the report required by subsection (a) the Comptroller General makes additional assessments as a result of the review described in that subsection, the Comptroller General shall submit to Congress such reports on such additional assessments as the Comptroller General considers appropriate.

SEC. 557. SENSE OF CONGRESS ON THE SERVICE OF MILITARY FAMILIES AND ON SENTENCING RETIREMENT-ELIGIBLE MEMBERS OF THE ARMED FORCES.

(a) Findings- Congress makes the following findings:

(1) Military families serve alongside their member of the Armed Forces, enduring hardships, lending support, and contributing to the member's career. These family members endure frequent moves, long periods of separation, and other unique hardships associated with military life.

(2) Innocent family members are sometimes inadvertently punished when the member they depend on forfeits retirement benefit eligibility due to a court-martial sentence.

(3) When a retirement-eligible member forfeits retirement eligibility, that member's innocent family members lose the security of benefits they had planned for and helped earn.

(4) Military juries may choose to impose unjustly light sentences on convicted members out of concern for the innocent family members when a just sentence would require stripping the member of retirement eligibility.

(b) Sense of Congress- It is the sense of Congress--

(1) that military juries should not face the difficult choice between imposing a fair sentence or protecting the benefits of a member of the Armed Forces for the sake of innocent family members;

(2) that innocent military family members of retirement-eligible members should not be made to forgo benefits they have sacrificed for and helped to earn; and

(3) to welcome the opportunity to work with the Department of Defense to develop the necessary laws and regulations to improve the military justice system and to protect the benefits that military families have helped earn.