

# NDAA Provisions Regarding Sexual Assault in the Military

## Table of effective dates

### FY 2004

FY04 §527 (b),(c)	<b>Annual Assessment and Report of Sexual Harassment and Violence at the Military Academies</b>	Academies conduct assessment and report for each academy program year (2004-2008) to determine effectiveness of academy policies, training, and procedures on sexual harassment and violence. Submitted to SecDef and Board of Visitors of the academy, HASC & SASC.	First report due in one year (Nov 24, 2004)
FY04 §526	<b>Defense Task Force on Sexual Harassment and Violence at the Military Academies</b>	Established the Defense Task Force On Sexual Harassment And Violence At The Military Service Academies to look at matters relating to sexual harassment and assault at the Army and Air Force Academies. 14 members (from USA, USN, USAF, USMC, DoD, plus outside DoD) appointed by the SecDef within 120 Days	Report due 12 months after appointment of panel members
FY04 §527(a)	<b>Actions To Address Sexual Harassment And Violence At The Service Academies</b>	Academies required to create policy on sexual harassment and violence to include training and awareness programs, and reporting procedures	June 1, 2004

### FY 2005

FY05 §577(f)	<b>ESTABLISHED</b> <b>DoD Annual Report on Sexual Assaults</b>	Initial requirement for DoD to provide an annual report to congress by Jan 15 of each year. Reporting required: <ul style="list-style-type: none"> <li>• <b>number of reported sexual assaults by Service members during the year covered by report;</b></li> <li>• <b>number of cases that were substantiated;</b></li> <li>• <b>synopsis of, and disciplinary action taken in each substantiated case; and</b></li> <li>• <b>policies, procedures and processes implemented for sexual assault response.</b></li> </ul>	First report due Jan 15, 2005; Annually thereafter
FY05 §571	<b>Review and Report on How Sexual Offenses are Covered by the UCMJ</b>	Required a review and report by SecDef of the UCMJ and MCM with objective of determining what changes are required to improve the ability of the military justice system to address sexual assault issues and to conform more closely to other Federal laws and regulations on sexual assault with suggested revisions to the UCMJ and rationale. Submitted to SASC and HASC	Report due March 1, 2005
FY05 §576	<b>Established Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS)</b> (amends FY04 §526)	Directed task force established in FY04 to examine sexual harassment and violence at the military service academies to continue for at least 18 months after original termination date and upon completion of FY04 taskings to be renamed the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) tasked to examine matters relating to sexual assault cases in which members of the Armed Forces are either victims or commit acts of sexual assault and provide report to SecDef, SASC & HASC	Report due one year after initiation of new tasking
FY05 §577(c),(e)	<b>Report on Improvement of Capability to Respond to Sexual Assaults</b>	(c) SecDef shall submit to Congress a <b>proposal for legislation</b> to enhance the capability of DoD to address matters relating to sexual assaults involving members of the Armed Forces. (e) Service Secretaries shall prescribe regulations implementing policies and procedures conforming to DoD SAPR policy by March 1, 2005	Report due March 1, 2005
FY05 §586	<b>Annual Report Identifying Reasons for Discharges from the Armed Forces</b>	Requirement for annual report to HASC and SASC through 2011 showing in the aggregate and for each Service, the 1) total number of persons discharged during the preceding fiscal year; 2) the number of discharged persons assigned each separation code and reenlistment eligibility code; and 3) classification of discharges by age, sex, race, rank, time in service, unity, MOS and reenlistment eligibility code.	First report due March 1, 2005

Purple: One-time reporting requirement  
Pink: Ongoing reporting requirement

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FY05 §577(a)	Requirement to Establish DoD SAPR Policy and Procedures Including Trained Victim Advocates	<b>SecDef to develop comprehensive policy for DoD on the prevention and response to sexual assaults involving members of the Armed Forces. Policy should be based on recommendations from the DTF-SAMS report, and on other matters as the Secretary of Defense considers appropriate.</b> <i>[Required trained victim advocates program]</i>	<b>Policy due Jan 1, 2005</b>
FY05 §591	<b>Requires Protection of Armed Forces Personnel from Retaliatory Actions for Communications made through the Chain of Command</b>	Amends Section 1034(b)(1)(B) of title 10 U.S.C. to include protection of Armed Forces personnel from retaliatory actions for communications made through the chain of command.	Immediate (Oct 28, 2004)

## FY 2006

FY06 §596(c)	<b>Additional Reporting Requirements for Annual DoD SAPRO report</b> (amends FY05 §577(f)(2))	(a) Requirement to add to annual SAPRO reports 1) a description of the implementation of deployed unit accessibility and tracking plans; 2) information collected on cases where care was hindered due to lack of availability of a rape kit; 3) description of steps taken during that year to provide deployed units with accessibility to these resources; and 4) a description of the required supply inventory, location, accessibility and availability of resources to provide appropriate and timely response to reported sexual assaults in a deployed unit.	Annually reported beginning with January 15, 2007 SAPRO Report
FY06 §596(b),(c)	<b>Requirement of a Plan to Improve DoD Response to Sexual Assault</b>	(b) Required a plan for system to track cases in which care was hindered due to lack of availability of a rape kit. (c) Required a plan for deployed units' accessibility to supplies, trained personnel, and transportation resources for responding to sexual assaults. Plans to be submitted by SecDef to HASC and SASC within 120 days.	Plan due in 120 days (Apr 5, 2006)
FY06 §551	<b>Established Offense of Stalking Under Article 120a of the UCMJ</b>	Established a new offense under Article 120a of the UCMJ for stalking.	180 days after enactment (Jun 5, 2006)
FY06 §552	<b>Article 120 Revision</b>	Comprehensive revision to Article 120 of the UCMJ into a far more expansive punitive article.	Oct 1, 2007
FY06 §553	<b>Removes Statute of Limitations from Murder, Rape, and Child Abuse Offenses</b>	Amends Article 43 of the UCMJ to make clear that no statute of limitations apply to murder, rape, and child abuse offenses.	Immediate (Jan 6, 2006)

## FY 2007 (Enacted Oct. 17, 2006)

FY07 §583	<b>Required Synopsis of Cases in Annual DoD SAPRO Report</b> (amends FY05 §577(f)(2))	Amended reporting requirement to <b>add a synopsis of each substantiated case and disciplinary action taken</b> , including the type of disciplinary or administrative sanction imposed, if any.	Immediate (Oct 17, 2006)
FY07 §532	<b>Revision and Clarification of Requirements Concerning Sexual Harassment and Sexual Violence at the Service Academies</b> (Repeals and replaces FY04 §527)	Requirement for Academy Superintendents to prescribe policy and procedures on sexual harassment and sexual violence at the Service Academies; 1) an annual assessment that includes focus groups and biennial survey administered by DoD to determine effectiveness of such policies, training and procedures; 2) an annual report that includes number of reported sexual assaults, rapes and other sexual offenses by cadets or other academy personnel and number of substantiated cases; 3) policies, procedures and processes implemented in response to sexual harassment and sexual violence; and 4) a plan for actions to be taken in the following program year.	Immediate (Oct 17, 2006) Service Academy reports due annually
FY07 §701	<b>Extended TRICARE Coverage to Sexual Assault Forensic Exams (SAFEs)</b>	Amendment to 10 U.S.C. section 1079(a) to add authorization for forensic examinations following sexual assault or domestic violence incidents.	Immediate (Oct 17, 2006)

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<b>FY 2008</b> (Enacted Jan 28, 2008)			
FY08 §716	<b>Review of gender and ethnic group-specific mental health services and treatment for members of the Armed Forces</b>	Review to include the availability of gender- and ethnic group-specific services and treatment for members of the Armed Forces who experienced sexual assault or abuse.	Report due in 90 days Apr 28, 2008
<b>FY 2009</b> (Enacted Oct 14, 2008)			
FY09 § 563	<b>Requirement for Defense Sexual Assault Incident Database (DSAID)</b>	<p>Requirement for SecDef to develop a centralized, case-level sexual assault database to collect information about the nature of the assault, the victim, the offender, and the outcome of any legal proceedings in connection with the assault. Database will be available to SAPRO personnel.</p> <ul style="list-style-type: none"> <li>• A plan within 90 days submitted to HASC and SASC.</li> <li>• A report explaining status of Defense Incident Based Reporting System and how it will relate to DSAID within 180 days submitted to HASC and SASC.</li> <li>• Implementation of DSAID must be complete within 15 months.</li> <li>• DSAID will be used to develop congressional reports required by FY05 577(f), FY06 596(c), FY07 532, sections 4361, 6980, and 9361 of 10 U.S.C.</li> </ul>	<p>Plan due in 90 days Jan 14, 2009</p> <p>Report due in 180 days Apr 14, 2009</p> <p>Implementation complete in 15 Months Jan 14, 2010</p>
FY09 § 561	<b>Amended Effective Period of Military Protective Orders (MPOs)</b>	Amended duration of military protective order such that it remains in effect until the commander terminates the order or issues a replacement order.	Immediately (Oct 14, 2008)
FY09 §562	<b>Mandatory Notification of Issuance of Military Protective Order (MPO) to Civilian Law Enforcement</b>	Requires commander to coordinate with civilian authorities to notify them of issuance or modification of a MPO for individuals who reside off base.	Immediately (Oct 14, 2008)
<b>FY 2010</b> (Enacted Oct 28, 2009)			
FY10 §567(c)(1)	<b>Additional Reporting Requirements for SAPRO Annual Report Concerning Military Protective Orders (MPOs)</b>	Requires data collection on whether a MPO was issued that involved either the victim or alleged perpetrator of a sexual assault and whether MPOs involving Service members were violated in the course of substantiated incidents of sexual assaults against Service members. Requires this data to be included in Annual SAPRO reports.	Annual SAPRO report
FY10 §566	<b>DTF-SAMS Report Deadline Extended</b> (amends FY05 §576(e)(1))	Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) report extended beyond original one year limit.	Report due Dec 1, 2009
FY10 §567(a)	<b>Report on Improved Prevention and Response Plan for Allegations of Sexual Assault Involving Members of the Armed Forces</b>	Requires SecDef to submit a revised SAPR implementation plan to HASC and SASC. The plan must include: 1) new initiatives and timelines for implementation; 2) requirements for monitoring and reporting on implementation progress; 3) training programs for judge advocates, MCIOs, commanders, prospective commanding officers, senior enlisted members and members with less than 6 months service; 4) funding requirements and budgetary implications of data reporting systems; 5) actions taken to implement recommendations of DTF-SAMS; 6) information about funding needed to fully implement initiatives.	Report due in 180 days (Apr 28, 2010)

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FY10 §567(b)	<b>Report on Sexual Assault Medical Forensic Examinations (SAMFE) in Combat Zones</b>	Requires SecDef to submit to HASC and SASC a report evaluating the protocols and capabilities of the Armed Forces to conduct timely and effective SAMFEs in combat zones. The report must include: 1) current availability of SAMFE protocols, trained personnel and equipment in combat zones; 2) assessment of barriers to providing timely exams to sexual assault victims in combat zones; and 3) recommendations regarding improved capability in combat zones. Also requires report to HASC and SASC within 30 days on progress in implementing FY07 section 701 requiring TRICARE to cover SAMFEs.	<b>Report due in 180 days (Apr 28, 2010)</b>
FY10 §567(c)(2)	<b>Report on Military Protective Order (MPO) Triggering a Transfer Option for Service Member Protected by Order</b>	Requires SecDef to submit to HASC and SASC a report explaining the measures being taken to ensure that when a MPO is issued, the member of the Armed Forces who is protected by the order is informed in a timely manner, of the member's option to request transfer from the command to which the member is assigned.	Report due in 180 days (Apr 28, 2010)
FY10 §567(d)	<b>Comptroller General Report on Capability of each Service to Timely and Effectively Investigate and Adjudicate Sexual Assault Allegations</b>	Requires Comptroller General to submit to HASC and SASC a report containing a review of the capability of each of the Armed Forces to timely and effectively investigate and adjudicate allegations of sexual assault against members of the Armed Forces and whether existing policies and implementation plans of DoD and resources devoted for this purpose are adequate.	Report due in one year (Oct 28, 2010)
FY10 §598	<b>Report on Progress in Completion of DSAID and DIBR Systems</b>	Requires SecDef to submit to HASC and SASC a report detailing the progress with respect to completion of 1) The Defense Incident-Based Reporting System (DIBRS); and 2) The Defense Sexual Assault Incident Database (DSAID).	Report due in 120 days (Feb 28, 2010) and every six months thereafter

## FY 2011 (Enacted Jan 7, 2011)

FY11 §1631(a),(b)	<b>Annual SAPR Reporting Requirements for Services</b> (Repeals FY05 §577(f))	Service Secretaries must submit report to SecDef. The report must contain: 1) number of reported sexual assaults against Service members and number substantiated; 2) number of sexual assaults committed by Service Members and number substantiated; 3) a synopsis of each substantiated case, organized by offense, including type of disciplinary or administrative sanction imposed including courts-martial sentences, NJP and administrative separations; 4) policies, procedures and processes implemented during the year; 5) number of substantiated sexual assault cases in which the victim is deployed Service member and assailant is a foreign national and policies and procedures to monitor the investigative processes and disposition of such cases; 6) description of the implementation of the accessibility plan implemented pursuant to section 596(b) including description of steps taken to ensure resources are accessible to deployed units.	First report due March 1, 2012 and each March 1 thereafter
FY11 §1631(d)	<b>Annual SAPR Reporting Requirements for SecDef</b> (Repeals FY05 §577(f))	SecDef must forward the Annual SAPR Reports from the Services to the HASC and SASC together with 1) the results of assessments conducted under the evaluation plan required by section 1602(c); and 2) such assessments on the reports as the SecDef considers appropriate.	First report due April 30, 2012 and each Apr 30 thereafter
FY11 §1613	<b>Report and Plan for Completion of DSAID</b>	Requirement for SecDef to submit to HASC and SASC describing the status of development and implementation of the centralized DoD sexual assault database (DSAID) required by FY09 section 563; containing a revised implementation plan for completing implementation of the database; and indicating the date by which the database will be operational.	Report due Apr 1, 2011

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Pink: Ongoing reporting requirement

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FY11 §1602(c)	<b>SAPR Effectiveness Evaluation Plan</b>	Requires SecDef to develop and implement an evaluation plan for assessing the effectiveness of the comprehensive SAPR policy in achieving its intended outcomes at the department and individual Armed Force Levels. SecDef required to provide a progress report to HASC and SASC describing status of implementation of revised plan.	<b>Progress report due Oct 1, 2011</b>
FY11 §1632	<b>Additional Required Reports</b>	Requires SecDef to evaluate 1) feasibility of extending SAPR services to DoD civilian employees and contractors who work on or in the vicinity of a military installation or with Service members; 2) application of SAPR to members of the Reserve Components; 3) feasibility of requiring that victim receive copy of the record of trial when victim testifies; 4) feasibility of authorizing Service members and dependents who are sexual assault victims to receive legal assistance related to responding to sexual assault; and 5) feasibility of utilizing specially trained forensic medical examiners. SecDef required to submit results of these evaluations to SASC and HASC.	No date given
FY11 §1602(a),(b)	<b>Comprehensive DoD Policy on SAPR Program</b>	Requires SecDef to submit to HASC and SASC a revised comprehensive policy for DoD sexual assault prevention and response (SAPR) program that builds upon policy developed under FY05 section 577 that incorporates new requirements and takes into consideration the findings and recommendations of DTF-SAMS report.	Policy due Mar 30, 2012
FY11 §1612	<b>Oversight and Evaluation Standards for SAPR Program</b>	Requirement for SecDef to issue standards to assess and evaluate the effectiveness of the SAPR programs of each Service in reducing the number of sexual assaults involving members of the Armed Forces and improving response to reports of sexual assault using the evaluation plan developed under section 1602(c).	Immediate (Jan 7, 2011)
FY11 §1621	<b>Improved Protocols for Providing Medical Care for Victims of Sexual Assault</b>	Requires SecDef to establish comprehensive consistent protocols for providing and documenting care to a sexual assault victim taking into consideration the gender of the victim.	Immediate (Jan 7, 2011)
FY11 §1631(c)	<b>Definition of “Substantiated” for Synopses of Cases</b>	SecDef must establish a consistent definition of “substantiated” for purposes of SAPR reporting requirements and provide synopses for those cases for the preparation of reports under this section.	Dec 31, 2011
FY11 §1601	<b>Definition of DoD SAPR Program and Other Definitions</b>	Clarifies definitions and purpose of SAPR program.	Immediate (Jan 7, 2011)
FY11 §1611	<b>Establishes Sexual Assault Prevention and Response Office and Director</b>	Requires appointment of a SAPRO director, specifies the duties of the director and role of the DoDIG and Service IGs. 18 Months to assign officer from each Service to SAPRO.	Immediate (Jan 7, 2011)
FY11 §1614	<b>Limitations on Restricted Reporting of Sexual Assaults</b>	Requires SecDef to clarify the limitations on the ability of a member of the Armed Forces to make a restricted report regarding the occurrence of a sexual assault and the circumstances under which information contained in a restricted report may no longer be confidential.	Immediate (Jan 7, 2011)
FY11 §1622	<b>Sexual Assault Victims Access to Victim Advocate Services</b>	Clarified entitlement of service members and covered dependents to the assistance of a sexual assault victim advocate and that the victim may decline this assistance. Victim Advocate services are available regardless of whether the report is restricted or unrestricted.	Immediate (Jan 7, 2011)

## FY 2012 (Enacted Dec 31, 2011)

FY12 §541	<b>Reform of Article 120 UCMJ</b>	Revision of Article 120 to cover only adult offenses; separates stalking, child offenses, and other sexual misconduct, into separate punitive articles.	180 Days (Jun 31, 2012)
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FY12 §542	<b>Authority to Compel Production of Documentary Evidence</b>	Article 47 UCMJ (refusal to appear or testify) was expanded to include the case of a subpoena <i>duces tecum</i> for an Article 32 investigation. (R.C.M 405, 703; EO 13669 Section 1(a)-(k), Section 2(b)-(l); Oct 2014 Proposed EO, Section 1(j),(l)-(n))	Immediate (Dec 31, 2011)
FY12 §581	<b>Access of Sexual Assault Victims to Legal Assistance and Services of SARCs and SAPR VAs</b>	Requirement to prescribe regulations on the provision of legal assistance to victims of sexual assault. Such regulations shall require that legal assistance be provided by military or civilian legal assistance counsel, and that victims must be informed of availability of a victim advocate.	180 days (Jun 31, 2012)
FY12 §582	<b>Consideration of Expedited Transfer Option for Victims of Sexual Assault or Related Offense</b>	Requires Service Secretaries to issue regulations to carry out timely consideration for a request for a change of station by an active duty service member who is a victim of a sexual assault. Must be approved or disapproved by member's commanding officer within 72 hours of request and member may request review by the first general or flag officer in chain of command and that decision must be made within 72 hours of requested review.	Immediate (Dec 31, 2011)
FY12 §583	<b>Director of Sexual Assault Prevention and Response Office</b> (amends FY11 §1611(a))	Requires the appointment of a general or flag officer as the Director of the DoD SAPRO.	Immediate (Dec 31, 2011)
FY12 §584	<b>Sexual Assault Response Coordinators (SARCs) and Sexual Assault Victim Advocates (SAPR VAs)</b>	Establishes requirement for at least one full-time SARC and one full-time VA at brigade or equivalent level; SARCs and VAs cannot be contractors; and must be trained and certified.	Oct 1, 2013
FY12 §585	<b>Training and Education Programs for SAPR Program</b>	Requires development of SAPR curriculum for Service members and civilian employees, at all levels of military service, further that training be provided to all sexual assault first responders as initial and in-service training.	One year (Dec 31, 2012)
FY12 §586	<b>DoD Policy and Procedures on Retention and Access to Evidence and Records Relating to Sexual Assaults Involving Members of the Armed Forces</b>	Requires SecDef in consultation with SecVA to develop a comprehensive policy to retain evidence and records for at least five years, criteria for collection, locations where records must be stored, media which may be used, protection of privacy of individuals, availability of records to victims education and training on record retention requirements, uniform collection of data.	Oct 1, 2012
FY12 §586(e)	<b>Copy of Records of Court-Martial to Victim of Sexual Assault</b> (amends Article 54, UCMJ)	Adds new subsection to Article 54 UCMJ: In the case of a general or special court-martial involving a sexual assault or other offense covered by Article 120 UCMJ, a copy of all prepared records of the proceedings shall be given to the victim of the offense if the victim testified during the proceedings. Provided without charge and as soon as records are authenticated. (R.C.M. 1103, 1104; EO 13669 Section 1(l)-(n), Section 2(m)-(p); Oct 2014 Proposed EO, Section 1(j))	Immediate (Dec 31, 2011)

## FY 2013 (Enacted Jan 3, 2013)

FY13 §575	<b>Modification of Annual DoD SAPRO Reporting Requirements Regarding Sexual Assaults</b> (Amends FY 11 §1631)	Requirement for greater detail in the case synopses portion of the report to include: if the charges were dismissed after an Art 32 the reason for dismissal; whether accused previously accused of a substantiated sexual assault, or admitted to service with a moral waiver for sexual misconduct. Must include branch of service, alcohol involvement, and nature of punishment when non-judicial. Report must also include requests for transfer status, number denied with description of reason why, an analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by units, commands, and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents and avoidance of incidents.	Beginning with FY 14 SAPRO Report (March 1, 2014)
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FY13 §579(b)(3)	Annual SAPRO Reporting Requirements for Substantiated Incidents of Sexual Harassment Involving Service Members	Requires SecDef to include the information and data collected on substantiated incidents of sexual harassment in the Annual SAPRO Report.	Annual SAPRO Report – No Date Specified
FY13 §572	Additional Elements in Comprehensive DoD Policy on Sexual Assault Prevention and Response  (Amends FY11 §1602)	(a)(1): Requires creation of a <b>record of disposition of all unrestricted reports</b> of sexual assault involving member of the Armed Forces.  (a)(2): All Service members convicted of a covered offense who are not punitively discharged will be processed for an administrative discharge.  (a)(3): Requires command climate survey to be conducted within 120 days of assuming command.  (a)(4): Requirement to post and widely disseminate information on resources available to victims of sexual assault and establish hotline number.  (a)(5): Educational campaign to notify service members regarding correction of their records if they are the victim of retaliatory personnel action for making a report of sexual assault or harassment.	Revised policy due in 180 Days (Jul 3, 2013)
FY13 §579	Department of Defense Policy and Plan for Prevention and Response to Sexual Harassment in the Armed Forces	(a) Requires SecDef to develop a comprehensive prevention and response policy to address training, prevention, reporting, and response to sexual harassment including procedures for anonymous reporting.  (b) Requires a <b>plan for data collection and reporting of substantiated incidents of sexual harassment.</b>	(a) Policy due in one year (Jan 3, 2014)  (b) Plan due Jun 1, 2013
FY13 §578	General or Flag Officer Review of Separation of Members Making an Unrestricted Report of Sexual Assault	Requires SecDef to develop a policy (submitted to SASC & HASC) to require a general or flag officer to review the circumstances of, and grounds for, the proposed involuntary separation of any Service member who made an Unrestricted Report of Sexual Assault within one year of involuntary separation action if requested by the Service member.	Policy due 180 days (July 3, 2013)
FY13 §577	Retention of Forms for Restricted Reports of Sexual Assault	Requires SecDef to ensure that all copies of DoD Form 2910 and 2011 filed in connection with a Restricted Report be retained – at the request of a victim - for the longer of 50 years from date of signature or the time provided for the retention of such forms in connection with Unrestricted Reports. Forms must be retained in a manner that protects confidentiality.	Immediate (Jan 3, 2013)
FY13 §576	Independent Reviews and Assessments of UCMJ and Judicial Proceedings of Sexual Assault Cases	Requires SecDef to establish a panel to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under Article 120 UCMJ for the purpose of developing recommendations regarding how to improve the effectiveness of such systems as well as a subsequent panel to conduct an independent review and assessment of judicial proceedings conducted under the UCMJ involving adult sexual assault and related offenses since the amendments made to Article 120 in 2012.	Original appointments to panel in 120 days (May 3, 2013)
FY13 §574	Enhancement to Training and Education for SAPR (amends FY12 §585)	Requires SecDef to provide for inclusion of SAPR training module for new or prospective commanders at all levels of command and for new members at initial entry and accession training (within 14 duty days).	Immediate (Jan 3, 2013)
FY13 §573	Establishment of Special Victim Capabilities Within the Military Departments to Respond to Allegations of Certain Special Victim Offenses	Requires DoD regs for Services to establish a special victim capability to include specially trained investigator, prosecutor, VWL and paralegal for the investigation and prosecution of sexual assault, child abuse, and domestic violence cases as a distinct recognizable group who work collaboratively. Implementation plan submitted to HASC and SASC within 270 days. Initial capabilities within a year, and SecDef to <b>prescribe criteria to measure effectiveness and impact of Special Victim Capabilities within 180 Days.</b>	Initial capabilities In one year (Jan 3, 2014)

Purple: One-time reporting requirement  
Pink: Ongoing reporting requirement

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FY13 §571	<b>Authority to Retain or Recall to Active Duty Reserve Component Members who are Victims of Sexual Assault While on Active Duty</b>	Upon request of the member of a reserve component who is an alleged victim of sexual assault committed while on active duty, Service Secretary may order the member to be retained on active duty until completion of line of duty determination.	Immediate (Jan 3, 2013)
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## FY 2014 (Enacted Dec 26, 2013)

FY14 §1709(c)	<b>Report on Separate Punitive Article for Retaliation</b>	Requires SecDef to submit report to SASC and HASC setting forth recommendations regarding whether chapter 47 of 10 U.S.C. should be amended to add a new punitive article to prohibit retaliation against an alleged victim or other Service member who reports a criminal offense.	Report due in 180 days (June 26, 2014)
FY14 §1716(c)	<b>Special Victims' Counsel Implementation Report</b>	Requires SecDef and SecHS to submit report to SASC, HASC, RSP and JSC describing how the Armed Forces will implement the requirements for the SVC Program	Report due in 90 days (March 26, 2014)
FY14 §1722	<b>Advancement of Deadline for Report of Response Systems Panel</b>	Advances the deadline for the RSP report from 18 months to 12 months at the request of SecDef.	Report due June 27, 2014
FY14 §1725(c)	<b>Report on Training, Qualifications, and experience of SAPR Personnel</b>	SecDef required to submit report to HASC and SASC on the review of the adequacy of the training, qualifications, and experience of each member of the Armed Forces and civilian employee of DoD who is assigned to a position that includes responsibility for SAPR functions	Report due in 120 days (April 26, 2014)
FY14 §1733	<b>Review of SAPR Training and Education Provided to Service Members</b>	SecDef must review adequacy of the training and education provided Service members on sexual assault prevention and response. SecDef must then identify common core elements that must be included in any training or education provided and recommend such other modifications of the training and education as appropriate to address any inadequacies identified. SecDef must submit report to HASC and SASC containing the results of the review including the common core elements identified.	Report due in 120 days (April 26, 2014)
FY14 §1734	<b>Report on Implementation of DoD Policy on the Retention of and Access to Evidence and Records Relating to Sexual Assaults</b>	Requires SecDef to conduct a review of the progress made in developing and implementing the comprehensive policy on the retention of and access to evidence and records relating to sexual assaults involving Service members as required by FY12 section 586. SecDef must submit report to HASC and SASC containing the results of the review.	Report due in 180 days (June 26, 2014)
FY14 §1743	<b>Eight-Day Incident Reporting Requirement for Unrestricted Reports of Sexual Assault</b>	Requires SecDef to establish and maintain a policy to require the submission by a designated person of a written report not later than eight days after an unrestricted report of sexual assault has been made. Report must be provided to the installation commander, the first officer in the grade of O-6 and first general or flag officer in chain of command. SecDef must prescribe regulations within 180 days.	180 days (June 26, 2014)
FY14 §1701(a)	<b>Crime Victims' Rights in UCMJ</b>	Statutorily incorporates the Crime Victims' Rights Act (CVRA) into the UCMJ (Art 6b). Requires SecDef to establish an enforcement mechanisms including mechanisms for application for such rights and for consideration and disposition of applications for such rights. Must also include designation of an authority in each Service to receive and investigate complaints and disciplinary sanctions for "willful or wanton" failure to comply with rights.	Immediate (Dec 26, 2013)
FY14 §1701(b)	<b>Crime Victims' Rights Regulations</b>	SecDef must recommend regulations for MCM to President within one year to implement Art 6b. (R.C.M. 305, 405, 801, 806, 906, 1001A : Oct 2014 Proposed EO, Section 1(j),(o)-(r),(v))	1 Year (Dec 26, 2014)

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FY14 §1702(a)	<b>Article 32 Revision</b>	Complete revision of Article 32 to become a “preliminary hearing,” with 4 purposes: probable cause determination; jurisdiction determination; consider form of charges; and recommend disposition of case. Grants victim the right to refuse to testify and mandates that the hearing be recorded by a “suitable recording device.” (R.C.M. 405: Oct. 2014 Proposed EO, Section 1(j))	Implementation 1 Year (Dec 26, 2014)
FY14 §1702(b)	<b>Article 60 Revision</b>	Elimination of unlimited command prerogative and discretion to take post-trial action. Prohibits convening authority from disapproving findings of guilty to all but minor offenses. (R.C.M. 1107, 1108: Oct. 2014 Proposed EO, Section 1(hh)-(nn))	Implementation 180 days (Jun 26, 2014)
FY14 §1703	Elimination of Five-Year Statute of Limitations for Additional Offenses Involving Sex-Related Crimes	Amends Article 43 UCMJ to remove the statute of limitations for sexual assault (Art 120(b)) and sexual assault of a child (120b(b)).	Immediate (Dec 26, 2013)
FY14 §1704	<b>Defense Counsel Interview of Victim of Alleged Sex-Related Offense</b>	Amends Article 46 UCMJ to require defense counsel to make requests to interview sexual assault victims through trial counsel. At request of the victim, requires that either trial counsel, victim’s counsel, or victim advocate to be present during defense interview.	Immediate (Dec 26, 2013)
FY14 §1705	<b>Mandatory Discharge or Dismissal and Jurisdiction Limited to General Courts-Martial for Sex-Related Offenses</b>	Requires mandatory discharge or dismissal if convicted of the offenses of rape (120(a)), sexual assault (120(b)), rape of a child (120b(a)) or sexual assault of a child (120b(b)), forcible sodomy (125), or attempts to commit these offenses. Also limits jurisdiction for these offenses to trial by general courts-martial. (R.C.M. 1301: Oct. 2014 Proposed EO, Section 1(pp))	180 days (Jun 26, 2014)
FY14 §1706(a)	<b>Victim Participation in Clemency</b>	Amends Article 60 UCMJ, in any case in which findings and sentence have been adjudged for an offense that involved a victim, the victim must be provided an opportunity to submit matters for consideration by the convening authority before he or she takes action. Victim submission must be made within 10 days after victim given an authenticated record of trial and if applicable the date victim given the recommendation of the SJA. (R.C.M. 1105A, 1106, 1306: EO 13669 Section 1(o)-(s), (v), Section 2 (q)-(s))	180 days (Jun 26, 2014)
FY14 §1706(b)	<b>Limitations on Consideration of Victim’s Character</b>	Convening authority may not consider any submitted matters relating to the character of a victim unless admitted as evidence at trial. (R.C.M. 1107, Appendix 21: EO 13669 Section 1(t),(u), Section 3)	180 days (Jun 26, 2014)
FY14 §1707	<b>Repeal of the Offense of Consensual Sodomy under the UCMJ</b>	Decriminalizes consensual sodomy under the UCMJ.	Immediate (Dec 26, 2013)
FY14 §1708	<b>Elimination of Good Character Consideration of the Accused</b>	Modification of Rule 306 of the MCM to eliminate consideration by a commander of character and military service of the accused in deciding initial case disposition.	180 days (Jun 26, 2014)
FY14 §1709	<b>Prohibition on Retaliation Against Service Members for Reporting a Criminal Offense</b>	Services are directed to prescribe regulations prohibiting retaliation against any victim or other Service member who reports a criminal offense. The regulation must state that any such retaliation is punishable under Art. 92 UCMJ	120 days (Apr 26, 2014)
FY14 §1711	<b>Prohibition on Service in the Armed Forces by Individuals Who Have Been Convicted of Sexual Offenses</b>	Prohibition on commissioning or enlisting a person who has been convicted under federal or state law of rape, sexual assault, forcible sodomy, incest, or attempts to commit these offenses. Repeals FY13 § 523.	Immediate (Dec 26, 2013)
FY14 §1712	<b>Extending Expedited Transfer to Members of the U.S. Coast Guard</b>	Extends requirement to allow requests for expedited transfers for victims of sexual assault in the U.S. Coast Guard.	Immediate (Dec 26, 2013)

Purple: One-time reporting requirement  
Pink: Ongoing reporting requirement

# NDAAs Provisions Regarding Sexual Assault in the Military

Table of effective dates

FY14 §1713	<b>Temporary Administrative Reassignment or Removal of a Service Member Accused of committing a Sex-Related Offense</b>	SecDef may provide guidance for commanders regarding their authority to reassign members alleged to have committed offenses under Arts 120, 120a, 120b, 120c, 125 and attempts to commit such offenses. (In Aug 14, 2013 Memorandum, SecDef directed Services to implement a policy allowing administrative reassignment or transfer of alleged offenders of sexual assault by Jan 1, 2014)	Immediate (Dec 26, 2013)
FY14 §1714	<b>Protected Communications and Prohibition of Retaliatory Personnel Actions</b>	Expands prohibited retaliatory personnel actions to include making or threatening to make a significant change in the duties or responsibilities of a member not commensurate with the member's grade. No person may take or threaten to take unfavorable personnel action as a reprisal against a member for making or preparing or being perceived as making a communication to a Member of Congress, an IG, law enforcement, any person in chain-of-command or a court martial.	Immediate (Dec 26, 2013)
FY14 §1715	IG Investigations of Retaliatory Actions Made Against Members Because of Communications Regarding Sexual Misconduct	Expands investigations IG must conduct to include retaliatory actions made against members whose communications were made to personnel or agencies regarding rape, sexual assault, or other sexual misconduct and sexual harassment.	Immediate (Dec 26, 2013)
FY14 §1716	<b>Special Victims' Counsel Availability for Victims of Sex-Related Offenses</b>	Designated by SecDef for the purpose of providing legal assistance to an individual eligible for military legal assistance who is the victim of an alleged sex-related offense whether restricted or unrestricted.	180 days (June 26, 2014)
FY14 §1723	<b>Retention of Forms for Restricted and Unrestricted Reports of Sexual Assault</b>	Amends FY13 section 577(a) by mandating a 50-year retention of forms regardless of whether the victim requests retention or not.	Immediate (Dec 26, 2013)
FY14 §1724	<b>Timely Access to SARCs by Members of the National Guard and Reserves</b>	Requires "timely access" to a SARC by a member of the National Guard or Reserves who is a victim of a sexual assault during performance of duties or if assailant is a member of the National Guard or Reserves.	Immediate (Dec 26, 2013)
FY14 §1725	<b>Qualifications and Selection of DoD SAPR Personnel and Required Availability of SANEs</b>	Amends FY11 section 1602(e)(2) to expand SecDef requirement to establish minimum standards to include SAPR Program Manager and SANE as well as part-time VAs. Requires the assignment of a SANE to all MTFs with 24/7 emergency departments and for a SANE to be available to a patient of all other MTFs.	120 days (April 26, 2014)
FY14 §1726	<b>Additional Responsibilities of SAPRO for DoD SAPR Program</b>	Requires SAPRO to develop metrics to measure effectiveness of, and compliance with training and awareness objectives of the Services on SAPR and to collect and maintain such data.	Immediate (Dec 26, 2013)
FY14 §1731	<b>Additional Duties for Response Systems Panel and Judicial Proceedings Panel</b>	Additional assessment requirements for the RSP and JPP.	June 27, 2014
FY14 §1732	<b>Review and Policy Regarding DoD Investigative Practices in Response to Allegations of UCMJ Violations</b>	SecDef must review the practices of the MCIOs in response to an allegation that a Service member has committed an offense under the UCMJ including the extent to which MCIOs make a recommendation regarding whether an allegation appears founded or unfounded. After conducting the review, SecDef must develop a uniform policy for the Services regarding use of case determinations to record the results of an investigation of an alleged violation of the UCMJ and must consider the feasibility of adopting case determination methods, such as the uniform crime report, used by nonmilitary law enforcement agencies.	180 days (June 26, 2014)
FY14 §1735	<b>Review of the Office of Diversity Management and Equal Opportunity Role in Sexual Harassment Cases</b>	Requires SecDef to conduct a review of the Office of Diversity Management and Equal Opportunity to determine whether sexual harassment cases should be evaluated or addressed within that office; identify and evaluate how the ODMEO works with SAPRO to address sexual harassment; assess current role of ODMEO; identify and evaluate the resource and personnel gaps, if any, in the ODMEO to adequately address sexual harassment cases and track incidences.	Immediate (Dec 26, 2013)

# NDAAs Provisions Regarding Sexual Assault in the Military

Table of effective dates

FY14 §1741(a)	<b>Defining Inappropriate and Prohibited Relationships</b>	Requires SecDef to maintain a policy that defines and prescribes what constitutes an inappropriate and prohibited relationship, communication, conduct, or contact, including when such an action is consensual. The policy applies to a Service member who exercises authority or control over, or supervises a person during entry-level processing or training and a prospective Service member.	180 days (June 26, 2014)
FY14 §1741(c)	<b>Processing for Administrative Separation of Service Members Engaged in Prohibited Relationships</b>	SecDef must require the processing for administrative separation of any Service member in response to the first substantiated violation of the prohibited relationships policy. The Service Secretaries must ensure that any separation decision is based on the full facts of the case and that due process procedures are provided under existing law or regulations.	180 days (June 26, 2014)
FY14 §1741(d)	Report on Need for UCMJ Punitive Article	Requires SecDef to submit report to SASC and HASC containing the recommendations of the SecDef regarding the need to amend chapter 47 of 10 U.S.C. to create an additional punitive article to address violations of the prohibited relationship policy.	120 days (Apr 26, 2014)
FY14 §1742	<b>Commanding Officer Action on Reports of Sexual Offenses Involving Service Members</b>	A commanding officer who receives a report of a sex-related offense involving a Service member in the chain of command of such officer must act on that report by referring it to the MCIO.	Immediate (Dec 26, 2014)
FY14 §1744	<b>Review of Decisions not to Refer Charges of Certain Sex-Related Offenses for Trial by Court-Martial</b>	Requires SecDef to direct Service Secretaries to provide for review of decisions not to refer charges for trial by court-martial. Secretaries must review all cases where SJA recommends referral and CA declines to refer charges and when the SJA recommends not referring charges and the CA does not refer charges, case file must be reviewed by next superior commander with GCMCA.	Immediate (Dec 26, 2014)

## FY 2015 Proposed

SENATE FY15 (S.2410) §551	<b>Additional Reporting Requirements for DoD Annual Report on Sexual Assaults in the Military</b>	<ul style="list-style-type: none"> <li>- Amends FY11 NDAA Reporting Requirements to include data on:</li> <li>- Convictions by court-martial, including a separate statement of the most serious charge preferred and most serious charge for which convicted.</li> <li>- Acquittals of all charges at court-martial.</li> <li>- Non-judicial punishments under Article 15.</li> <li>- Administrative action, including by each type of administrative action imposed.</li> <li>- Dismissals of all charges, including by reason for dismissal and by stage of proceedings in which dismissal occurred.</li> </ul>	None specified
SENATE FY15 (S.2410) §555	<b>Report on Review of Office of Diversity Management and Equal Opportunity Role in Sexual Harassment Cases</b>	<ul style="list-style-type: none"> <li>- Amends section 1735 of the FY14 NDAA adding:</li> <li>- SecDef shall submit to Congress a report setting forth the results of the review conducted.</li> </ul>	Within <b>180 days</b> of enactment of FY15 NDAA
HOUSE FY15 (HR 4435) §531	<b>Improved DoD Information Reporting and Collection of Domestic Violence Incidents</b>	<ul style="list-style-type: none"> <li>- SecDef shall develop a comprehensive management plan to address deficiencies in the reporting of information on incidents of domestic violence involving Service members for inclusion in the DoD database on domestic violence incidents required by section 1562 of title 10 U.S.C. to ensure database provides an accurate count of domestic violence incidents and consequent disciplinary action.</li> </ul>	Within <b>1 Year</b> of enactment of FY15 NDAA

Purple: One-time reporting requirement  
Pink: Ongoing reporting requirement

# NDAAs Provisions Regarding Sexual Assault in the Military

Table of effective dates

<p>SENATE FY15 (S.2410) §545(c)</p> <p>HOUSE FY15 (HR 4435) §506</p>	<p><b>Performance Appraisals Must Include SAPR Assessment</b></p>	<ul style="list-style-type: none"> <li>- Service Secretaries shall ensure written performance appraisals of officers and enlisted Service members include an assessment of the extent to which each member supports the SAPR program. <b>(Not in HR 4435 §506)</b></li> <li>- Performance appraisals of commanding officers must indicate extent to which each CO has or has not established command climate in which allegations of sexual assault would be properly managed and fairly evaluated and where victim can report without fear of retaliation or ostracism.</li> </ul>	<p>None specified</p>
<p>SENATE FY15 (S.2410) §548</p>	<p><b>Required Information on Restricted and Unrestricted Reports to be Entered in DSAID</b></p>	<ul style="list-style-type: none"> <li>- Requires DoD-level policies for inclusion of the following information about assaults in DSAID for restricted and unrestricted reports of sexual assault by Service members: 1) the name of the alleged assailant, if known; 2) identifying features of the alleged assailant; 3) date of the assault; 4) location of the assault; 5) information on means or method used by alleged assailant to commit the assault.</li> <li>- Policy shall specify categories of individuals who can access information.</li> <li>- For restricted reports, access is restricted to MCIOs and disclosure to the public is prohibited.</li> </ul>	<p>None specified</p>
<p>SENATE FY15 (S.2410) §542</p> <p>HOUSE FY15 (HR 4435) §539</p>	<p><b>Modification of MRE 513: Psychotherapist/Patient Privilege</b></p>	<ul style="list-style-type: none"> <li>- Amends MRE 513 to:</li> <li>- Extend the privilege to “communications with other licensed mental health professionals.”</li> <li>- Clarify or eliminate the “constitutionally required” exception to the privilege.</li> <li>- Require party seeking records to show a “specific factual basis” for “reasonable likelihood” that records would be admissible under an exception to the privilege by a “preponderance of the evidence.”</li> <li>- Show that the information sought is not merely cumulative of other information available.</li> <li>- Show that the party made <i>reasonable efforts</i> to obtain the same or substantially similar info through non-privileged sources.</li> <li>- Authorize MJ to conduct <i>in camera</i> review <b>only</b> when moving party has met its burden and examination is necessary to rule on admissibility.</li> <li>- Require MJ to <i>narrowly tailor</i> release to the specific records or portions of records that meet the <i>specific exception stated</i> for release of the information</li> <li>- <b>(HR 4435 §539 – Expressly eliminates psychotherapist-patient privilege exception under MRE 513).</b></li> </ul>	<p>Within <b>180 days</b> of enactment of FY15 NDAA</p> <p><b>(HR 4435) §539</b> JSC shall amend MRE 513 as soon as practicable after enactment of FY15 NDAA</p>
<p>SENATE FY15 (S.2410) §545(b)</p> <p>HOUSE FY15 (HR 4435) §534</p>	<p><b>Victim Preference for Civilian vs. Military Court</b></p>	<ul style="list-style-type: none"> <li>- SVCs shall provide advice to victims of sexual assault on the advantages and disadvantages of prosecution of the offense concerned by court-martial or by civilian court with jurisdiction.</li> <li>- Service Secretaries shall establish a process to ensure consultation with the victim to determine victim’s preference for prosecution by court-martial or by civilian court. <b>(HR 4435 §534 adds – whether report is restricted or unrestricted)</b></li> <li>- Preference of the victim is not binding but should be considered in the determination of where to prosecute. <b>(Not in HR 4435 §534)</b></li> <li>- Victim shall be promptly notified if expressed preference is for civilian court and the civilian authorities decline to prosecute. <b>(Not in HR 4435 §534)</b></li> </ul>	<p>None specified</p>

# NDAAs Provisions Regarding Sexual Assault in the Military

Table of effective dates

<p>SENATE FY15 (S.2410) §545(e)</p> <p>HOUSE FY15 (HR 4435) §538</p>	<p><b>Confidential Review of Terms of Discharge of Victims of Sexual Offenses</b></p>	<ul style="list-style-type: none"> <li>- Requires establishment of a Service-level process through boards for the correction of military records for an individual to challenge, on the basis of being the victim of a sexual offense, the terms or characterization of one's discharge or separation from the Service.</li> <li>- Boards must give due consideration to the psychological and physical aspects of the individual's experience in connection with the offense and what bearing it had on the circumstances surrounding discharge or separation.</li> <li>- Documents considered and decisions rendered shall not be made available to the public, except with the consent of the individual concerned.</li> <li>- Covered sexual offenses under this section are rape or sexual assault under Art. 120 (a) or (b), forcible sodomy under Art. 125, or attempts to commit these offenses. (§ 545(f)).</li> </ul>	<p>None specified</p>
<p>SENATE FY15 (S.2410) §545(g)</p> <p>HOUSE FY15 (HR 4435) §537</p>	<p><b>Modification of MRE 404(a) Relating to Admissibility of General Military Character Toward Probability of Innocence</b></p>	<ul style="list-style-type: none"> <li>- Amends MRE 404(a) to provide that the general military character of an accused is not admissible for the purpose of showing the probability of innocence for the following offenses: Arts. 120-123a, 125-127, 129-132, attempts and conspiracy to commit these offenses, and any other offense under chapter 47 of 10 U.S.C. in which evidence of the general military character of the accused is not relevant to an element of an offense.</li> </ul>	<p>Within <b>180 days</b> of enactment of FY15 NDAA</p> <p><i>(HR 4435 § 537 – effective immediately)</i></p>
<p>SENATE FY15 (S.2410) §547</p> <p>HOUSE FY15 (HR 4435) §540</p>	<p><b>Modification of DoD Policy to Permit Return of Personal Property Upon Completion of Sexual Assault Proceedings</b></p>	<ul style="list-style-type: none"> <li>- Amends section 586 of FY12 NDAA</li> <li>- Adding: Personal property retained as evidence in connection with an incident of sexual assault involving a Service member may be returned to the rightful owner after conclusion of all legal, adverse action, and administrative proceedings related to such incident.</li> </ul>	<p>None specified</p>
<p>SENATE FY15 (S.2410) §550</p> <p>HOUSE FY15 (HR 4435) §533</p>	<p><b>Applicability of SAPR Related Military Justice Enhancements to Military Service Academies</b></p>	<ul style="list-style-type: none"> <li>- Applies FY14 NDAA title XVII provisions to the Military Service Academies.</li> </ul>	<p>None specified</p>
<p>SENATE FY15 (S.2410) §521</p> <p>HOUSE FY15 (HR 4435) §529</p>	<p><b>Enhancement of Participation of Mental Health Professionals in Boards for Correction of Military Records and for Discharge and Dismissal Review Boards</b></p>	<ul style="list-style-type: none"> <li>- Amends section 1552 of title 10 U.S.C.</li> <li>- Requires that any medical advisory opinion regarding Service member who was diagnosed while serving in the armed forces with a mental health disorder shall include the opinion of a clinical psychologist or psychiatrist if the request for correction of records or review of discharge or dismissal relates to a mental health disorder.</li> </ul>	<p>None specified</p>
<p>SENATE FY15 (S.2410) §541</p>	<p><b>Ordering of Depositions Under the UCMJ</b></p>	<ul style="list-style-type: none"> <li>- Amends section 849(a) of title 10 U.S.C. as follows:</li> <li>- At any time after charges have been signed (per Art. 30) depositions may be ordered before referral by convening authority (CA), or after referral by CA or military judge.</li> <li>- Deposition may be requested by any "party."</li> <li>- Requesting party must demonstrate "exceptional circumstances" and that it is "in the interest of justice" to take deposition.</li> <li>- If deposition is requested before charges referred, CA may designate commissioned officers as counsel for the Government and counsel for the accused to take depositions of any witness.</li> </ul>	<p>None specified</p>
<p>SENATE FY15 (S.2410) §543</p>	<p><b>Enhancement of Victims' Rights to be Heard Through Counsel</b></p>	<ul style="list-style-type: none"> <li>- MCM modified to provide that when a victim of an alleged sex-related offense has a right to be heard, the victim may exercise that right through counsel.</li> <li>- Establish Service-level policies to ensure that victim counsel is provided prompt and adequate notice of the scheduling of any hearing, trial, or other proceeding.</li> </ul>	<p>Within <b>180 days</b> of enactment of FY15 NDAA</p>

# NDAA Provisions Regarding Sexual Assault in the Military

Table of effective dates

SENATE FY15 (S.2410) §544	<b>Eligibility of Members of the Reserve Components of the Services for Assistance of Special Victims' Counsel</b>	- A member of the reserve component who is the victim of an alleged sex-related offense and who is not otherwise eligible for military legal assistance under 10 U.S.C. section 1044, shall be deemed eligible for the assistance of an SVC.	None specified
SENATE FY15 (S.2410) §545(d)	<b>Review of Command Climate Assessments following Incidents of Sexual Assault</b>	- Requires review of the most recent climate assessment of the command or unit of the suspect and the command or unit of the victim and assessment of whether another climate assessment should be conducted.	None specified
SENATE FY15 (S.2410) §546	<b>Review of Decisions not to Refer Charges of Certain Sex-Related Offenses</b>	- Amends section 1744(c) of FY14 NDAA - Adding: In any case where a convening authority decides not to refer a charge of a sex-related offense to trial by court-martial and the chief prosecutor of the Service requests review of the decision, the Service Secretary shall review the decision as a superior authority.	None specified
SENATE FY15 (S.2410) §549	<b>Technical Revisions and Clarifications of FY14 NDAA</b>	- (a)(4) Article 32 Amendment restoring waiver of Art 32 by accused – shall take effect on the later of 1) date of enactment of FY15NDAA or 2) Dec 26, 2014. - (a)(3) Article 60 Amendment related to victim submission of matters to convening authority shall take effect on date of enactment of FY15 NDAA - (a)(5) Article 60 Amendments related to convening authority action on findings of a court-martial and clarification of requirement for explanation in writing shall take effect the later of 1) the date of enactment of FY15 NDAA; or 2) June 26, 2014. - (b) Defense counsel request to interview victim of alleged sex-related offense must go through SVC or other counsel for victim, if applicable. - (d) Definition of forcible sodomy (Art 125(a)) replace “force” with “unlawful force” - (f) Clarifies 1701(c) by striking designation of “legal guardian” and replacing with “representative.”	Various
SENATE FY15 (S.2410) §552	<b>Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Military</b>	- “Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces” to be established by the Secretary of Defense - Consisting of not more than 20 members appointed by the President from among individuals (other than members of the military) who have experience with the investigation, prosecution, and defense of allegations of sexual assault offenses (such as Federal and State prosecutors, judges, law professors and private attorneys). - Duties: 1) advise SecDef on sexual assault response in the military; 2) select a representative sample of cases involving sex-related offenses and review criminal investigation reports, Article 32 report, any recommendations of SJAs and IDA on disposition of the case, findings and sentences of the court-martial or Art. 15, and any legal reviews that recommended that such case not be referred for prosecution. - Not later than Jan 31 each year, Advisory Committee shall submit to SecDef, HASC and SASC, a report on the results of the activities of the Committee during the preceding year. - Advisory Committee shall terminate five years from date of establishment - SecDef may continue Advisory Committee beyond that date if requested.	None specified
HOUSE FY15 (HR 4435) §536	<b>Minimum Confinement Period Required for Conviction of Certain Sex-Related Offenses</b>	- Amends Article 56(b)(1) UCMJ to add confinement of 2 years to dismissal or dishonorable discharge as mandatory sentence. - Applies to offenses specified in paragraph (2) of Art. 56(b).	Applies <b>180 days</b> after enactment of FY15 NDAA
HOUSE FY15 (HR 4435) §540(a)	<b>Establishment of Phone Service for Prompt Reporting of Hazing</b>	- Service Secretaries shall develop and implement a phone service through which an individual can anonymously call to report incidents of hazing in that branch of the Armed Forces.	None specified

*Purple: One-time reporting requirement*  
*Pink: Ongoing reporting requirement*

# NDAAs Provisions Regarding Sexual Assault in the Military

Table of effective dates

<p>SENATE FY15 (S.2410) §553</p>	<p><b>Collaboration between DoD and DoJ in Efforts to Prevent and Respond to Sexual Assault</b></p>	<ul style="list-style-type: none"> <li>- SecDef and AG shall develop a strategic framework for ongoing efforts to prevent and respond to sexual assault to include:</li> <li>- An assessment of the role of DoJ in investigations and prosecutions of sexual assault cases where DoD and DoJ have concurrent jurisdiction.</li> <li>- A review of and list of recommended revisions to relevant DoD/DoJ MOUs.</li> <li>- An assessment of the need for, and feasibility of establishing the position of advisor on military sexual assaults within DoJ to provide DoD investigative and other assistance in sexual assault cases occurring on military installations and maintaining representatives or designees of the advisor at military installations for the purpose of reviewing cases and providing assistance with the investigation and prosecution of sexual assaults.</li> <li>- An assessment of the number of sexual assault cases that have occurred on military installations in which no perpetrator has been identified, and plan, with appropriate benchmarks, to review those cases using currently available civilian and military law enforcement resources.</li> <li>- A strategy to leverage efforts by DoD and DoJ to improve the quality of investigations, prosecutions, specialized training, services to victims, awareness, and prevention of sexual assault and to identify and address social conditions that relate to sexual assault.</li> <li>- Mechanisms to promote sharing of information and best practices between DoD and DoJ on prevention and response to sexual assault including victim assistance through the Violence against Women Act and Office for Victims of Crime programs of DoJ.</li> <li>- SecDef and AG shall jointly submit to Congress a report on the framework that describes the manner in which DoD and DoJ will collaborate on an ongoing basis; explain obstacles to implementing the framework; and identify changes in laws necessary to achieve the purpose of this section.</li> </ul>	<p>Within <b>270 days</b> of enactment of FY15 NDAA</p>
<p>HOUSE FY15 (HR 4435) §524</p>	<p><b>Provision of Information to Service members on Privacy Rights Relating to Receipt of Mental Health Services</b></p>	<ul style="list-style-type: none"> <li>- Service Secretaries shall ensure that each officer candidate during initial training, each recruit during basic training and other Service members at times determined by SecDef, receive the following information:</li> <li>- Information on the applicability of DoDD 6025.18 and other regulations regarding privacy prescribed pursuant to HIPPA to records regarding a Service member seeking and receiving mental health services.</li> </ul>	<p>None Specified</p>
<p>HOUSE FY15 (HR 4435) §530</p>	<p><b>Preliminary Mental Health Assessments</b></p>	<ul style="list-style-type: none"> <li>- Before any individual enlists in an armed force or is commissioned as an officer, Service Secretary shall provide the individual with a mental health assessment to use as a baseline for any subsequent mental health examinations.</li> <li>- Results of a mental health assessment conducted under this section may not be considered in determining the assignment or promotion of a Service member and shall be treated in the same manner as the medical records of the individual with respect to privacy laws.</li> <li>- NIMH REPORT – within 180 days of enactment of FY15 NDAA the National Institute of Mental Health (NIMH) shall submit to Congress and SecDef a report on preliminary mental health assessments of Service members.</li> <li>- Report will include recommendations on establishment of the assessments in parity with physical screenings of members, composition of the assessment, best practices and how to track assessment changes related to TBI, PTSD and other conditions.</li> </ul>	<p>NIMH REPORT – within 180 days of enactment of FY15 NDAA</p>
<p>HOUSE FY15 (HR 4435) §532</p>	<p><b>Additional Duty for Judicial Proceedings Panel Regarding Use of Mental Health Records by Defense During Art. 32 and Courts-Martial</b></p>	<ul style="list-style-type: none"> <li>- JPP shall conduct a review and assessment of:             <ol style="list-style-type: none"> <li>1) the impact of the use of mental health records by the defense during Article 32 hearings and during court-martial proceedings; and</li> <li>2) the use of mental health records in civilian criminal legal proceedings;</li> <li>3) identify any significant discrepancies between the two legal systems.</li> </ol> </li> <li>- Results of review and assessment shall be included in one of the JPP reports required by the FY13 NDAA.</li> </ul>	<p>Not specified other than to include in “one of the reports” of the JPP</p>

Purple: One-time reporting requirement  
Pink: Ongoing reporting requirement

# NDAAs Provisions Regarding Sexual Assault in the Military

## Table of effective dates

<p>HOUSE FY15 (HR 4435) §535</p>	<p><b>Enforcement of Crime Victims' Rights Related to MRE 412 and 513</b></p>	<ul style="list-style-type: none"> <li>- A victim may petition the Court of Criminal Appeals (CCA) for a writ of mandamus to require the court-martial to comply with MRE 412 or 513 if victim believes that a ruling violates victim's rights under the MRE.</li> <li>- CCA may issue the writ on the order of a single judge and shall take up and decide the petition within 72 hours after petition filed.</li> <li>- Court-martial proceedings may not be stayed or subject to a continuance of more than 5 days for enforcement of these rights.</li> <li>- If CCA denies the relief sought, the reasons shall be clearly stated on the record in a written opinion.</li> </ul>	<p>Immediate upon enactment of FY15 NDAA</p>
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