

Changes to Article 120, UCMJ

Pre-2007
(penetration of
the vulva by a
penis, by force
and without
consent).

6 JAN 06 – FY06
NDAA amends
Art. 120
effective 1
October 2007.

28 SEP 2007 –
EO 13447
signed –
effective 1
October 2007.
Includes RCM
which
incorporates
the 120
changes, model
specifications,
and max
allowable
punishments.

1 OCT 2007 –
the “new”
Article 120 is in
effect –
includes
penetrative and
non-
penetrative
offenses.

24 JUL 2008 –
31 AUG 2010
EOs 13468 and
13552 signed
(some post trial
and other
RCMs, no major
revisions
impacting Art.
120)

SEP 2010 – *US
v. Prather* and
US v. Medina
decided –
noting
unconstitutiona
l “burden shift”
in Art. 120.

31 DEC 2011 –
FY12 NDAA –
new iteration of
Art. 120
effective 28
JUN 2012.

28 JUN 12 –
Another “new”
Article 120 is
effective.
Breaks Art. 120
into
subchapters,
including
separation of
adult and child
crimes.

15 MAY 14 – EO
signed
indicating
maximum
allowable
punishments
for Art. 120 (no
model
specifications).

13 JUN 14 – EO
signed
indicating post-
trial and
referral
changes from
FY13 and FY 14
NDAAs. Still no
model
specifications.