

113TH CONGRESS
1ST SESSION

H. R. 430

To amend the Uniform Code of Military Justice to protect new members of the Armed Forces who are undergoing basic training from the sexual advances of the members of the Armed Forces responsible for their instruction.

IN THE HOUSE OF REPRESENTATIVES
JANUARY 25, 2013

Ms. SPEIER (for herself and Mr. HECK of Nevada) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the Uniform Code of Military Justice to protect new members of the Armed Forces who are undergoing basic training from the sexual advances of the members of the Armed Forces responsible for their instruction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect Our Military Trainees Act”.

SEC. 2. PROHIBITION ON SEXUAL ACTS AND SEXUAL CONTACT BETWEEN CERTAIN MILITARY INSTRUCTORS AND THEIR TRAINEES.

(a) PROHIBITION.—[Section 920](#) of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h); respectively; and

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

“(e) **SEXUAL ACTS AND SEXUAL CONTACT BETWEEN CERTAIN MILITARY INSTRUCTORS AND TRAINEES.**—

“(1) **ENHANCED SEXUAL ASSAULT PROHIBITION.**—A military instructor who commits a sexual act upon a member of the armed forces while the member is undergoing basic training (or its equivalent) or within 30 days after completing such training—

“(A) is guilty of sexual assault if the military instructor exercised any supervisory authority over the member during such training; and

“(B) shall be punished as a court-martial may direct.

“(2) **ENHANCED ABUSIVE SEXUAL CONTACT PROHIBITION.**—A military instructor who commits or causes sexual contact upon or by a member of the armed forces while the member is undergoing basic training (or its equivalent) or within 30 days after completing such training—

“(A) is guilty of abusive sexual contact if the military instructor exercised any supervisory authority over the member during such training; and

“(B) shall be punished as a court-martial may direct.

“(3) **COVERED MILITARY INSTRUCTORS.**—This subsection applies with respect to the following members of the armed forces otherwise subject to this chapter:

“(A) Drill Sergeants in the Army.

“(B) Drill Instructors in the Marine Corps.

“(C) Recruit Division Commanders in the Navy.

“(D) Military Training instructors in the Air Force.

“(E) Company Commanders in the Coast Guard.

“(F) Such other members of the armed forces as the Secretary concerned may designate as having supervisory authority over new recruits undergoing basic training (or its equivalent).

“(4) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this subsection. Consent is not a defense for any conduct in issue in any prosecution under this subsection.”.

(b) CROSS REFERENCES TO DEFINITIONS.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) is amended—

(1) in section 920b(h)(1) (article 120b(h)(1)), by striking “section 920(g) of this title (article 120(g))” and inserting “section 920 of this title (article 120)”; and

(2) in section 920c(d)(1) (article 120c(d)(1)), by striking “section 920(g) of this title (article 120(g))” and inserting “section 920 of this title (article 120)”.
