SECTION 547 OF THE SENATE VERSION OF THE FY 2017 NDAA (S.2943) TO AMEND ARTICLE 6b OF THE UCMJ

SEC. 547. APPELLATE STANDING OF VICTIMS IN ENFORCING RIGHTS OF VICTIMS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(f) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.— (1) If counsel for the accused or the Government files appellate pleadings under section 866 or 867 of this title (article 66 or 67), the victim of an offense under this chapter may file pleadings as a real party in interest when the victim's rights under the rules specified in paragraph (2) are implicated. The victim's right to file pleadings as a real party in interest includes the right to do so through counsel, including through a Special Victims' Counsel under section 1044e of this title.

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

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

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

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

"(3) In this subsection, the term 'victim of an offense under this chapter' means an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this chapter (the Uniform Code of Military Justice) and for which there was a guilty finding that is the subject of appeal under section 866 or 867 of this title (article 66 or 67).".

(b) NOTICE OF APPELLATE AND POST-TRIAL MATTERS.—Subparagraph (C) of subsection (a)(2)of such section (article) is amended to read as follows:

"(C) A court-martial and any appellate matters, including post-trial review, relating to the offense.".