



JUDICIAL PROCEEDINGS PANEL

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FOR IMMEDIATE RELEASE

The Judicial Proceedings Since Fiscal Year 2012 Amendments Panel Releases its Report on Article 120 of the Uniform Code of Military Justice.

Arlington, VA – The Judicial Proceedings Panel (JPP) today released a report containing six recommendations to Congress and the Secretary of Defense to help clarify and improve implementation of the reforms made by Congress in 2012 to Article 120 of the Uniform Code of Military Justice, the provision of military law that relates to rape, sexual assault, and other sexual misconduct. After extensive review and deliberation, the Panel recommended that Congress amend five definitions in Article 120 and adopt a new theory of liability to specifically address coercive sexual acts or contact in which a perpetrator has used position, rank, or authority to obtain compliance by another person. The JPP was tasked by Congress in the National Defense Authorization Act for Fiscal Year 2013 to make its assessment.

To ensure the most substantive legal review possible, the Judicial Proceedings Panel recommended in its February 2015 initial report, and the Secretary of Defense established, a subcommittee of eleven distinguished civilian criminal law experts to address specific, technical issues identified by the Panel. Over the course of nine meetings, the JPP Subcommittee heard perspectives and recommendations from more than forty military justice practitioners and debated the issues directed to it by the JPP, including, definitions of terms, elements, defenses, and enumerated offenses under Article 120. The subcommittee also compared Article 120 to similar Federal criminal law provisions under Title 18 of the United States Code and reviewed how the military currently prosecutes abuse of authority and coercive relationships.

The JPP Subcommittee presented its findings and recommendations to the Judicial Proceedings Panel in a public meeting on December 11, 2015. After careful deliberation, the JPP accepted all of the subcommittee recommendations adding only a clarifying modification to the proposed new offense related to coercive relationships.

Ms. Elizabeth Holtzman, JPP Chair, stated, “The proposed revision of Article 120 is vital to the effort to stamp out sexual assault in the military. The proposed changes will clarify the law, helping in the prosecution of cases and in the understanding of the troops as to what conduct is unacceptable and illegal. I want to thank the members of the Subcommittee, and its Chair, Judge Barbara Jones, for their untiring efforts and hard work that has led to this important result.”

More information about the Panel, including the full version of this report and testimony and materials considered by the Panel members in developing these recommendations, is available on the JPP’s website at <http://jpp.whs.mil>.