

NDA Provisions Regarding Sexual Assault in the Military

FY 2004 – FY 2016

ACCESS TO INFORMATION AND RECORDS			
FY 2012 §586(e)	<u>ACCESS TO INFORMATION AND RECORDS</u> Copy of Records of Court-Martial to Victim of Sexual Assault	(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.	Effective Immediately Upon Passage (Dec 31, 2011)

ARTICLE 32 UCMJ – PRELIMINARY HEARINGS			
FY 2013 §542	<u>ARTICLE 32</u> Authority to Compel Production of Documentary Evidence	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.	Effective Immediately Upon Passage (Dec 31, 2011)
FY 2014 §1702(a)	<u>ARTICLE 32</u> <u>PRELIMINARY HEARING</u> Article 32 Revision	Complete revision of Article 32 to become a “preliminary hearing,” with four purposes: (1) probable cause determination; (2) jurisdiction determination; (3) consider form of charges; and (4) recommend disposition of case. Grants victim the right to refuse to testify and mandates that the hearing be recorded by a “suitable recording device.”	Effective 1 Year after Enactment (Dec 26, 2014)

ARTICLE 60 UCMJ - CLEMENCY			
FY 2014 §1702(b)	<u>CLEMENCY</u> Article 60 Revision	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.	Effective 180 days after Enactment (Jun 26, 2014)
FY 2014 §1706(a)	<u>CRIME VICTIMS RIGHTS; CLEMENCY</u> Victim Participation in Clemency	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.	Effective 180 days after Enactment (Jun 26, 2014)

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ARTICLE 49 UCMJ - DEPOSITIONS			
FY 2015 §532	DEPOSITIONS Ordering Depositions Under the UCMJ	Amends Article 49 UCMJ as follows: 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. Deposition may be requested by any “party.” Requesting party must demonstrate “exceptional circumstances” and that it is “in the interest of justice” to take deposition. 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.	Effective Immediately Upon Passage (Dec 19, 2014)

ARTICLE 120 UCMJ – SEXUAL ASSAULT			
FY05 §571	ARTICLE 120 Review and Report on How Sexual Offenses are Covered by the UCMJ	Required a review and report by SecDef of the UCMJ and M.C.M. 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
FY06 §551	ARTICLE 120 Established Offense of Stalking Under Article 120a of the UCMJ	Established a new offense under Article 120a of the UCMJ for stalking.	Effective 180 days after enactment (Jun 5, 2006)
FY06 §552	ARTICLE 120 Article 120 Revision	Comprehensive revision to Article 120 of the UCMJ into a more expansive punitive article. Article 120 expanded to cover rape, rape of a child, aggravated sexual assault, aggravated sexual assault of a child, aggravated sexual contact, aggravated sexual abuse of a child, aggravated sexual contact with a child, abusive sexual contact, abusive sexual contact with a child, indecent liberty with a child, indecent act, forcible pandering, wrongful sexual contact, and indecent exposure. In 2011, CAAF held that the statute “results in an unconstitutional burden shift.” <i>United States v. Prather</i> , 69 M.J. 338, 340 (C.A.A.F. 2011).	Effective Oct 1, 2007
FY 2013 §541	ARTICLE 120 Reform of Article 120 UCMJ	Complete revision of Article 120 to cover only adult offenses; separates stalking (120a), child offenses (120b), and other sexual misconduct (120c), into separate punitive articles. 11 total offenses: 1) Rape; Sexual Assault; Aggravated Sexual Contact; Abusive Sexual Contact; Stalking; Rape of a Child; Sexual Assault of a Child; Indecent Viewing, Visual Recording, or Broadcasting; Forcible Pandering; Indecent Exposure. Simplifies defenses to include all defenses available under the RCM. Repealed language that eliminated “consent” and “mistake of fact as to consent” as issues (except for offenses against children (Art. 120b) Repealed burden-shift for an affirmative defense. Expanded definition of “bodily harm” to explicitly include non-consensual sexual acts and contact.	Effective 180 days after enactment (Jun 31, 2012)

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		Expanded definition of “sexual act” to include contact between the penis and the “vulva or anus or mouth,” and to include penetration of the vulva or anus or mouth by “any part of the body” or object. Expanded the definition of “sexual contact” to include touching of “any body part of any person” if done with requisite intent.	
FY 2014 §1707	ARTICLE 125 Repeal of the Offense of Consensual Sodomy under the UCMJ	Revision of Article 125 UCMJ, to omit consensual sodomy.	Effective Immediately Upon Passage (Dec 26, 2013)

BOARDS OF CORRECTION OF MILITARY RECORDS (BCMR)

FY 2015 §521(a)	BCMRs Enhancement of Participation of Mental Health Professionals in Boards for Correction of Military Records (BCMR)	Amends 10 U.S.C. 1552 adding subsection (g): - Any medical advisory opinion issued to a board for correction of military records with respect to a member or former member of the armed forces as experiencing a mental health disorder shall include the opinion of a clinical psychologist or psychiatrist if the request for correction of records concerned relates to a mental health disorder.	Effective Immediately Upon Passage (Dec 19, 2014)
FY 2015 §521(b)	BCMRs Enhancement of Participation of Mental Health Professionals in Boards for Review of Discharge or Dismissal	Amends 10 U.S.C. 1553 adding subsection (e): In the case of a former member of the armed forces who was diagnosed while serving in the armed forces as experiencing a mental health disorder, a board for review of discharge or dismissal shall include a member who is a clinical psychologist or psychiatrist, or a physician with special training on mental health disorders.	Effective Immediately Upon Passage (Dec 19, 2014)
FY 2015 §547	BCMRs Confidential Review of Characterization of Terms of Discharge of Sexual Assault Victims	Service Secretaries shall each establish a confidential process, utilizing boards for the correction of military records, by which an individual who was a victim of a sex-related offense (Art. 120(a),(b), 125, 80) during service may challenge the terms or characterization of the discharge or separation on the grounds that the terms or characterization were adversely affected by the individual being the victim of such an offense. Service Secretaries shall instruct boards for the correction of military records to give due consideration to the psychological and physical aspects of the individual’s experience in connection with the sex-related offense; and to determine what bearing such experience may have had on the circumstances surrounding the individual’s discharge or separation from the Armed Forces. Documents considered and decisions rendered pursuant to this provision shall not be made available to the public, except with the consent of the individual concerned.	Effective Immediately Upon Passage (Dec 19, 2014)
FY 2016 §521	BCMRs Limited Authority for Applications for Correction of Military Records to be Initiated by the Secretary Concerned	Amends 10 U.S.C. 1552 (b) to allow Service Secretaries to initiate BCMR applications. The Secretary concerned may file a request for correction of a military record only if the request is made on behalf of a group of members or former members of the armed forces who were similarly harmed by the same error or injustice.	Effective Immediately Upon Passage (Nov 25, 2015)

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CRIME VICTIMS' RIGHTS			
FY 2014 §1701(a)	<u>CRIME VICTIMS RIGHTS</u> Crime Victims' Rights in UCMJ	Statutorily incorporates the Crime Victims' Rights Act (CVRA) into the UCMJ (Art 6b). Requires SecDef to establish 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.	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1701(b)	<u>CRIME VICTIMS RIGHTS</u> Crime Victims' Rights in MCM Regulations	SecDef must recommend regulations for M.C.M. to President within one year to implement Art 6b.	Effective 1 Year after Enactment (Dec 26, 2014)
FY 2014 §1704	<u>CRIME VICTIMS RIGHTS</u> Defense Counsel Interview of Victim of Alleged Sex-Related Offense	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.	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1706(a)	<u>CRIME VICTIMS RIGHTS; CLEMENCY</u> Victim Participation in Clemency	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.	Effective 180 days After Enactment (Jun 26, 2014)
FY 2014 §1706(b)	<u>CRIME VICTIMS RIGHTS; CLEMENCY</u> Limitations on Consideration of Victim's Character	Convening authority may not consider any submitted matters relating to the character of a victim unless admitted as evidence at trial.	Effective 180 days after enactment (Jun 26, 2014)
FY 2015 §534(b)	<u>CRIME VICTIMS RIGHTS</u> Victim Preference for Civilian vs. Military Court	SecDef shall establish a process to ensure consultation with the victim to determine victim's preference for prosecution by court-martial or by civilian court. <ul style="list-style-type: none"> - Preference of the victim is not binding but should be considered by the convening authority in the determination of whether to refer charges. - If victim expresses preference for prosecution in civilian court, CA shall ensure that the civilian authority with jurisdiction over the offense is notified of the victim's preference for civilian prosecution. - Following notification of civilian authority of the victim's preference, the CA is responsible for notifying the victim if the CA learns of any decision by the civilian authority to prosecute or not prosecute in civilian court. 	Effective Immediately Upon Passage (Dec 19, 2014)
FY 2015 §534(c)	<u>CRIME VICTIMS RIGHTS</u> RIGHT TO BE HEARD Enhancement of Victims' Rights to be Heard Through Counsel	Directs M.C.M. to be 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 including through a SVC.	Effective 180 days after enactment (Jun 19, 2015)

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<p>FY 2015 §534(d)</p>	<p style="text-align: center;"><u>CRIME VICTIMS RIGHTS</u> NOTICE Victims' Rights to Notice of Proceedings</p>	<p>Service Secretaries shall establish policies and procedures designed to ensure that any counsel of the victim of an alleged sex-related offense is provided prompt and adequate notice of the scheduling of ANY hearing, trial, or other proceeding in connection with the prosecution of such offense.</p>	<p style="text-align: center;">Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2015 §535</p>	<p style="text-align: center;"><u>CRIME VICTIMS RIGHTS</u> ENFORCEMENT Enforcement of Crime Victims' Rights</p>	<p>Amends Article 6b UCMJ by adding: If victim believes that a court-martial ruling violates victim's rights afforded by MRE 412 or 513, victim may petition the Court of Criminal Appeals for a writ of mandamus to require the court-martial to comply with the MRE.</p>	<p style="text-align: center;">Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2016 §531</p>	<p style="text-align: center;"><u>CRIME VICTIM RIGHTS</u> ENFORCEMENT Enforcement of Certain Crime Victims' Rights by the Court of Criminal Appeals</p>	<p>Amends article 6b UCMJ by adding:</p> <p>(e) Enforcement by Court of Criminal Appeals –</p> <p>(1) If the victim of an offense under this chapter believes that a preliminary hearing ruling under article 32, or a court-martial ruling, violates the victim's rights afforded by a section (article) or rule specified in paragraph (4), the victim may petition the Court of Criminal Appeals (CCA) for a writ of mandamus to require the preliminary hearing officer or the court-martial to comply with the section (article) or rule.</p> <p>(2) If the victim of an offense under this chapter is subject to an order to submit to a deposition, notwithstanding the availability of the victim to testify at the court-martial trying the accused for the offense, the victim may petition the CCA for a writ of mandamus to quash such order.</p> <p>(3) A petition for a writ of mandamus described in this subsection shall be forwarded directly to the CCA, by such means as may be prescribed by the President, and, to the extent practicable, shall have priority over all other proceedings before the court.</p> <p>(4) Paragraph (1) applies with respect to the protections afforded by the following:</p> <p>(A) This section (article) (B) Article 32 (C) MRE 412 – victim's sexual background (D) MRE 513 – psychotherapist-patient privilege (E) MRE 514 – victim advocate-victim privilege (F) MRE 615 – exclusion of witnesses</p>	<p style="text-align: center;">Effective Immediately Upon Passage (Nov 25, 2015)</p>

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DISCHARGES			
FY05 §586	<u>DISCHARGES</u> Annual Report Identifying Reasons for Discharges from the Armed Forces	Requirement for annual report to HASC and SASC from 2005 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
FY 2013 §525	<u>DISCHARGES</u> Reports on Involuntary Separation of Members of the Armed Forces	Requires Service Secretaries to report to Congress on the number of members involuntarily separated from active duty during the six-month period for reasons other than “for cause” by grade, total years of service and occupational specialty including number who are authorized to receive temporary retirement pay, completed transition assistance programs, and average months deployed in overseas contingency operations by grade.	Reports Due Not later than 30 days after the end of each half-year period during CY 13 and CY 14
FY 2013 §578	<u>DISCHARGES</u> 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 <u>if requested</u> by the Service member.	Policy due 180 days (July 3, 2013)
FY 2016 §592	<u>DISCHARGES</u> Extension of Semiannual Reports on the Involuntary Separation of members of the Armed Forces	Amends FY13 NDAA 525(a) to extend reporting requirements to each calendar year from 2013 to 2017	Effective Immediately Upon Passage (Nov 25, 2015)

DOMESTIC VIOLENCE			
FY 2015 §544	<u>DOMESTIC VIOLENCE REPORTING</u> Improved DoD Reporting and Collection of Domestic Violence Incidents Data	SecDef shall develop a comprehensive management plan to address deficiencies in the reporting of information on incidents of domestic violence involving members of the Armed Forces for inclusion in the DoD database on domestic violence incidents required by section 1562 of 10 U.S.C. to ensure that the database provides an accurate count of domestic violence incidents and any consequent disciplinary action.	Effective 1 Year after Enactment (Dec 19, 2015)

DISPOSITION AND FOUNDING DECISIONS			
FY 2014 §1708	<u>FOUNDING AND DISPOSITION DECISIONS</u> Elimination of Good Character Consideration of the Accused	Modification of Rule 306 of the M.C.M. to eliminate consideration by a commander of character and military service of the accused in deciding initial case disposition.	Effective 180 days after enactment (Jun 26, 2014)
FY 2014 §1732	<u>FOUNDING AND DISPOSITION</u>	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	Effective 180 days after enactment

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	<u>DECISIONS</u> Review and Policy Regarding DoD Investigative Practices in Response to Allegations of UCMJ Violations	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.	(June 26, 2014)
FY 2014 §1744	<u>FOUNDING AND DISPOSITION DECISIONS</u> Review of Decisions not to Refer Charges of Certain Sex-Related Offenses for Trial by Court-Martial	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.	Effective Immediately Upon Passage (Dec 26, 2014)
FY 2015 §541	<u>FOUNDING AND DISPOSITION DECISIONS</u> Secretary Review of Additional Decisions not to Refer Charges	Amends section 1744(c) of the FY14 NDAA by providing two instances where the Service Secretaries shall review decisions not to refer charges: 1) in cases where SJA recommends referral and CA does not refer charges; and 2) in cases not referred by convening authority where the chief prosecutor of the Service, at the request of the detailed counsel for the Government, requests review of the decision by the Service Secretary.	Effective Immediately Upon Passage (Dec 19, 2014)

DSAID/DIBRS DATABASES			
FY09 § 563	<u>DSAID/DIBRS DATABASES</u> Requirement for Defense Sexual Assault Incident Database (DSAID)	<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"> • A plan within 90 days submitted to HASC and SASC. • 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. • Implementation of DSAID must be complete within 15 months. • 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. 	<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>
FY10 §598	<u>DSAID/DIBRS DATABASE</u> Report on Progress in Completion of DSAID and DIBR Systems	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
FY11 §1613	<u>DSAID/DIBRS DATABASES</u> Report and Plan for Completion of DSAID	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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EXPEDITED TRANSFER			
FY 2012 §582	<u>EXPEDITED TRANSFER</u> Consideration of Expedited Transfer Option for Victims of Sexual Assault or Related Offense	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.	Effective Immediately Upon Passage (Dec 31, 2011)
FY 2014 §1712	<u>EXPEDITED TRANSFER</u> Extending Expedited Transfer to Members of the U.S. Coast Guard	Extends requirement to allow requests for expedited transfers for victims of sexual assault in the U.S. Coast Guard.	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1713	<u>EXPEDITED TRANSFER</u> Temporary Administrative Reassignment or Removal of a Service Member Accused of committing a Sex-Related Offense	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.	Effective Immediately Upon Passage (Dec 26, 2013)

GOOD CHARACTER DEFENSE: MRE 404			
FY 2015 §536	<u>GOOD CHARACTER DEFENSE; MRE 404</u> Modification of MRE Relating to Admissibility of General Military Character Toward Probability of Innocence	Directs amendment of M.R.E. 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 a sex-related offense under Articles 120-123a, 125-127, 129-132, 80 or 81, or any other UCMJ offense where evidence of general military character is not relevant to an element of the offense charged.	Effective 180 days after enactment (Jun 19, 2015)

INVESTIGATIONS			
FY10 §567(d)	<u>INVESTIGATIONS</u> Comptroller General Report on Capability of each Service to Timely and Effectively Investigate and Adjudicate Sexual Assault Allegations	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 1 year after enactment (Oct 28, 2010)

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IMPROPER RELATIONSHIPS			
FY 2014 §1741(a)	<u>IMPROPER RELATIONSHIPS</u> Defining Inappropriate and Prohibited Relationships	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.	Effective 180 days after enactment (June 26, 2014)
FY 2014 §1741(c)	<u>IMPROPER RELATIONSHIPS; DISCHARGES</u> Processing for Administrative Separation of Service Members Engaged in Prohibited Relationships	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.	Effective 180 days after enactment (June 26, 2014)
FY 2014 §1741(d)	<u>IMPROPER RELATIONSHIPS</u> 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.	Effective 120 days after enactment (Apr 26, 2014)

MENTAL HEALTH ISSUES			
FY08 §716	<u>MENTAL HEALTH ISSUES</u> Review of gender and ethnic group-specific mental health services and treatment for members of the Armed Forces	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. IMPLEMENTATION: Referenced in 6495.02 ¶ 2(c)(2)(Updated July 7, 2015); DoD Report	Report due 90 days after enactment (Apr 28, 2008)
FY 2015 §537	<u>MENTAL HEALTH ISSUES; MRE 513</u> Modification of MRE 513 – Psychotherapist/Patient Privilege	MRE 513 shall be modified as follows: - To include communications with other licensed mental health professionals within the communications covered by the privilege. - Eliminates the “when constitutionally required” exception (MRE 513(d)(8)) - Requires party seeking production or admission of protected records or communications to show a “specific factual basis” demonstrating a “reasonable likelihood” that the records or communications would yield evidence admissible under an exception to the privilege. - Requesting party must demonstrate by a “preponderance of the evidence” that 1) the requested information meets one of the enumerated exceptions to the privilege, 2) that the information is not “merely cumulative” of other information available, and 3) that the party made “reasonable efforts” to obtain the same or substantially similar information through non-privileged sources. - Military judge may conduct an in camera review of records only when: 1) the moving party has met its burden and 2) an examination of the information is necessary to rule on the production or admissibility of protected records or	Effective 180 days after enactment (Jun 19, 2015)

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		<p>communications.</p> <ul style="list-style-type: none"> - Any production or disclosure permitted by the military judge must be “narrowly tailored” to only the specific records or communications, or portions thereof that meet the requirements for one of the enumerated exceptions to the privilege and are included in the stated purpose for which such records or communications are sought. 	
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MILITARY PROTECTIVE ORDERS (MPO)

FY09 § 561	<u>MPO</u> Amended Effective Period of Military Protective Orders (MPOs)	Amended duration of military protective order such that it remains in effect until the commander terminates the order or issues a replacement order.	Effective Immediately Upon Passage (Oct 14, 2008)
FY09 §562	<u>MPO</u> Mandatory Notification of Issuance of Military Protective Order (MPO) to Civilian Law Enforcement	Requires commander to coordinate with civilian authorities to notify them of issuance or modification of a MPO for individuals who reside off base.	Effective Immediately Upon Passage (Oct 14, 2008)
FY10 §567(c)(2)	<u>MPOs</u> Report on Military Protective Order (MPO) Triggering a Transfer Option for Service Member Protected by Order	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 180 days after Enactment (Apr 28, 2010)

RESTRICTED REPORTING

FY11 §1614	<u>RESTRICTED REPORTING</u> Limitations on Restricted Reporting of Sexual Assaults	<p>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.</p> <p>IMPLEMENTATION: DoDI 6495.02 encl. 4 ¶1(b) (Updated July 7, 2015)</p>	Effective Immediately Upon Passage (Jan 7, 2011)
FY 2015 §543	<u>RESTRICTED REPORTING</u> Limited Use by MCIOs of Certain Information on Sexual Assaults from Restricted Reports	<p>SecDef shall submit to SASC and HASC a plan that will allow an individual who files a restricted report to elect to permit a MCIO, on a confidential basis, and without affecting the restricted nature of the report, to access certain information in the report, including identifying information of the alleged perpetrator if available, for the purpose of identifying individuals who are suspected of perpetrating multiple sexual assaults.</p> <p>Required plan elements: 1) an explanation of how the MCIO would use, maintain, and protect information in the restricted report; 2) an explanation of how the identity of an individual who elects to provide access to such information will be protected; 3) a timeline for implementation of the plan during the one-year period beginning on the date of the submission of the plan to the SASC and HASC</p>	1 Year for Plan (Dec 19, 2015) 2 Years for Implementation (Dec 19, 2016)

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<p>FY 2016 §536</p>	<p><u>RESTRICTED REPORTING</u></p> <p>Enhancement of Confidentiality of Restricted Reporting of Sexual Assault in the Military</p>	<p>Preemption of State Law to Ensure Confidentiality of Reporting – amends 10 U.S.C. 1565b(b) to add:</p> <p>(3) In the case of information disclosed pursuant to paragraph (1), any State law or regulation that would require an individual specified in paragraph (2) to disclose the personally identifiable information of the adult victim or alleged perpetrator of the sexual assault to a State or local law enforcement agency shall not apply, except when reporting is necessary to prevent or mitigate a serious and imminent threat to the health or safety of an individual.</p>	<p>Effective Immediately Upon Passage</p> <p>(Nov 25, 2015)</p>
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RETALIATION			
<p>FY05 §591</p>	<p><u>RETALIATION</u></p> <p>Requires Protection of Armed Forces Personnel from Retaliatory Actions for Communications made through the Chain of Command</p>	<p>Amends Section 1034(b)(1)(B) of title 10 U.S.C. (Military Whistleblower Protection Act) to include protection of Armed Forces personnel from retaliatory actions for communications made through the chain of command.</p>	<p>Effective Immediately Upon Passage</p> <p>(Oct 28, 2004)</p>
<p>FY 2014 §1709</p>	<p><u>RETALIATION</u></p> <p>Prohibition on Retaliation Against Service Members for Reporting a Criminal Offense</p>	<p>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</p>	<p>Effective 120 days after Enactment</p> <p>(Apr 26, 2014)</p>
<p>FY 2014 §1709(c)</p>	<p><u>RETALIATION</u></p> <p>Report on Separate Punitive Article for Retaliation</p>	<p>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.</p>	<p>Report due 180 days after Enactment</p> <p>(June 26, 2014)</p>
<p>FY 2014 §1714</p>	<p><u>RETALIATION</u></p> <p>Protected Communications and Prohibition of Retaliatory Personnel Actions</p>	<p>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.</p>	<p>Effective Immediately Upon Passage</p> <p>(Dec 26, 2013)</p>
<p>FY 2014 §1715</p>	<p><u>RETALIATION</u></p> <p>IG Investigations of Retaliatory Actions Made Against Members Because of Communications Regarding Sexual Misconduct</p>	<p>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.</p>	<p>Effective Immediately Upon Passage</p> <p>(Dec 26, 2013)</p>

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<p>FY 2016 §539</p>	<p><u>RETALIATION</u> STRATEGY Preventing Retaliation Against Members of the Armed Forces Who Report or Intervene on behalf of the Victim of an Alleged Sex-related Offense</p>	<p>(a) The SecDef shall develop a comprehensive strategy to prevent retaliation carried out by members of the Armed Forces against other members who report or otherwise intervene on behalf of the victim of an alleged sex-related offense.</p> <p>(b) Elements – the comprehensive strategy shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> (1) Bystander intervention programs emphasizing the importance of guarding against retaliation. (2) DoD and military department policies and requirements to ensure protection for victims of alleged sex-related offences and members who intervene on behalf of victims from retaliation. (3) Additional training for commanders on methods and procedures to combat attitudes and beliefs that result in retaliation. <p>(c) Definitions – for purposes of this section:</p> <ol style="list-style-type: none"> (1) “alleged sex-related offence” has same meaning as 1044e(g) (2) “retaliation” has such meaning as that given the term by SecDef in the development of the strategy required by subsection (a). 	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>
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RETENTION OF RECORDS/EVIDENCE

<p>FY 2012 §586</p>	<p><u>RETENTION OF RECORDS/EVIDENCE</u> DoD Policy and Procedures on Retention and Access to Evidence and Records Relating to Sexual Assaults Involving Members of the Armed Forces</p>	<p>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.</p>	<p>Policy Due Oct 1, 2012</p>
<p>FY 2013 §577</p>	<p><u>RETENTION OF RECORDS/EVIDENCE</u> Retention of Forms for Restricted Reports of Sexual Assault</p>	<p>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.</p>	<p>Effective Immediately Upon Passage (Jan 3, 2013)</p>
<p>FY 2014 §1723</p>	<p><u>RETENTION RECORDS/EVIDENCE</u> Retention of Forms for Restricted and Unrestricted Reports of Sexual Assault</p>	<p>Amends FY13 section 577(a) by mandating a 50-year retention of forms regardless of whether the victim requests retention or not.</p>	<p>Effective Immediately Upon Passage (Dec 26, 2013)</p>
<p>FY 2014 §1734</p>	<p><u>RECORDS/EVIDENCE RETENTION</u> Report on Implementation of DoD Policy on the Retention of and Access to Evidence and Records Relating to Sexual Assaults</p>	<p>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.</p>	<p>Report due 180 days after Enactment (June 26, 2014)</p>

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<p><u>FY 2015</u> §538</p>	<p><u>RETENTION OF RECORDS/EVIDENCE</u></p> <p>Modification of Retention of Evidence in Sexual Assault Cases to Permit Return of Personal Property</p>	<p>Amends section 586 of FY12 NDAA to add:</p> <p>Personal property retained as evidence in connection with an incident of sexual assault involving a member of the Armed Forces, may be returned to the rightful owner of such property after the conclusion of all legal, adverse action, and administrative proceedings related to such incident.</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p><u>FY 2016</u> §541</p>	<p><u>RETENTION OF RECORDS/EVIDENCE; INVESTIGATIONS</u></p> <p>Retention of Case Notes in Investigations of Sex-related Offenses Involving Members of the Army, Navy, Air Force, or Marine Corps</p>	<p>(a) Not later than 180 days after date of enactment of this act, the SecDef shall update DoD records retention policies to ensure that, for all investigations relating to an alleged sex-related offense (as defined in 1044e(g) involving a member of the Army, Navy, Air Force, or Marine Corps, all elements of the case file shall be retained in accordance with section 586 of FY12 NDAA</p> <p>(b) Elements – in updating records retention policy, SecDef shall address the following:</p> <ol style="list-style-type: none"> (1) The elements of the case file to be retained must include, at a minimum, the case activity record, case review record, investigative plans, and all case notes made by an investigating agent or agents. (2) All investigative records must be retained for no less than 50 years. (3) No element of the case file may be destroyed until the expiration of the time that investigative records must be kept. (4) Records may be stored digitally or in hard copy, in accordance with existing law or regulations or additionally prescribed policy considered necessary by the Secretary of the military department concerned. <p>(c) The SecDef shall ensure that, to the maximum extent practicable, the policy developed under subsections (a) is implemented uniformly by the military departments.</p>	<p>Effective 180 days after enactment (May 25, 2016)</p>

SAPR PROGRAM			
<p>FY05 §577(a)</p>	<p><u>SAPR PROGRAMS/POLICY</u></p> <p>Requirement to Establish DoD SAPR Policy and Procedures Including Trained Victim Advocates</p>	<p>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. [Required trained victim advocates program]</p> <p>IMPLEMENTATION: USD(P&R) Memorandum, “Response Capability for Sexual Assault,” (Dec 17, 2004); SecDef Memorandum (May 3, 2005)</p>	<p>Policy due Jan 1, 2005</p>
<p>FY05 §577(c),(e)</p>	<p><u>SAPR PROGRAMS/POLICY</u></p> <p>Report on Improvement of Capability to Respond to Sexual Assaults</p>	<p>(c) SecDef shall submit to Congress a proposal for legislation to enhance the capability of DoD to address matters relating to sexual assaults involving members of the Armed Forces.</p> <p>(e) Service Secretaries shall prescribe regulations implementing policies and procedures conforming to DoD SAPR policy by March 1, 2005</p> <p>IMPLEMENTATION: CY 2004 SAPRO Report; CY 2005-FY 2013 SAPRO Annual Reports; FY 2014 SAPRO Report.</p>	<p>Report due March 1, 2005</p>
<p>FY06 §596(b),(c)</p>	<p><u>SAPR PROGRAMS/POLICY</u></p> <p>Requirement of a Plan to Improve DoD Response to Sexual Assault</p>	<p>(b) Required a plan for system to track cases in which care was hindered due to lack of availability of a rape kit.</p> <p>(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.</p>	<p>Plan due in 120 days (Apr 5, 2006)</p>

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FY10 §567(a)	<u>SAPR PROGRAMS/POLICY</u> Report on Improved Prevention and Response Plan for Allegations of Sexual Assault Involving Members of the Armed Forces	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)
FY11 §1601	<u>SAPR PROGRAMS/POLICY</u> Definition of DoD SAPR Program and Other Definitions	Clarifies definitions and purpose of SAPR program.	Effective Immediately Upon Passage (Jan 7, 2011)
FY11 §1602(a), (b)	<u>SAPR PROGRAMS/POLICY</u> Comprehensive DoD Policy on SAPR Program	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 §577 that incorporates new requirements and takes into consideration the findings and recommendations of DTF-SAMS report.	Policy due Mar 30, 2012
FY11 §1602(c)	<u>SAPR PROGRAMS/POLICY</u> SAPR Effectiveness Evaluation Plan	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.	Progress report due Oct 1, 2011
FY11 §1611	<u>SAPR PROGRAMS/POLICY</u> Establishes Sexual Assault Prevention and Response Office and Director	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.	Effective Immediately Upon Passage (Jan 7, 2011)
FY11 §1612	<u>SAPR PROGRAMS/POLICY</u> Oversight and Evaluation Standards for SAPR Program	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 FY11 1602(c). IMPLEMENTATION: DoD SAPR Strategic Plan (May 6, 2013)	Effective Immediately Upon Passage (Jan 7, 2011)
FY11 §1622	<u>SAPR PROGRAMS/POLICY</u> Sexual Assault Victims Access to Victim Advocate Services	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. IMPLEMENTATION: DoDI 6495.02	Effective Immediately Upon Passage (Jan 7, 2011)
FY11 §1631(c)	<u>SAPR PROGRAMS/POLICY</u> Definition of “Substantiated” for Synopses of Cases	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. IMPLEMENTATION: DoDI 6495.02	Definition due Dec 31, 2011

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FY11 §1632	<u>SAPR PROGRAMS/POLICY</u> Additional Required Reports	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
FY 2012 §583	<u>SAPR PROGRAMS/POLICY</u> Director of Sexual Assault Prevention and Response Office	(amends FY11 §1611(a))Requires the appointment of a general or flag officer as the Director of the DoD SAPRO. IMPLEMENTATION: DoDI 6495.02	Effective Immediately Upon Passage (Dec 31, 2011)
FY 2012 §584	<u>SAPR PROGRAMS/POLICY</u> Sexual Assault Response Coordinators (SARCs) and Sexual Assault Victim Advocates (SAPR VAs)	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. IMPLEMENTATION: DoDI 6495.02	Effective Oct 1, 2013
FY 2012 §585	<u>SAPR PROGRAMS/POLICY</u> Training and Education Programs for SAPR Program	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. IMPLEMENTATION: DoDI 6495.02 ; Army AD 2013-17 (Jul 22, 2013)	Effective 1 Year after Enactment (Dec 31, 2012)
FY 2013 §572	<u>SAPR PROGRAMS/POLICY</u> Additional Elements in Comprehensive DoD Policy on Sexual Assault Prevention and Response	(Amends FY11 §1602) (a)(1): Requires creation of a record of disposition of all unrestricted reports 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. IMPLEMENTATION: DoDI 6495.02	Revised policy due in 180 Days (Jul 3, 2013)
FY 2013 §574	<u>SAPR PROGRAMS/POLICY</u> 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 of accession). IMPLEMENTATION: DoDI 6495.02	Effective Immediately Upon Passage (Jan 3, 2013)

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FY 2014 §1724	<u>NATIONAL GUARD & RESERVES</u> Timely Access to SARCs by Members of the National Guard and Reserves	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. IMPLEMENTATION: DoDI 6495.02 ¶2(a)(2) (Mar 28, 2013, inc. Ch 2, Jul 7, 2015)	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1725(c)	<u>SAPR POLICY/PROGRAMS</u> Report on Training, Qualifications, and Experience of SAPR Personnel	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 120 days After Enactment (April 26, 2014)
FY 2014 §1726	<u>SAPR PROGRAMS AND POLICY</u> Additional Responsibilities of SAPRO for DoD SAPR Program	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. IMPLEMENTATION: DoD Sexual Assault Prevention and Response Strategic Plan (Apr 30, 2013); DoD Sexual Assault Prevention and Response Strategic Plan (Jan 26, 2015)	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2014 §1733	<u>SAPR POLICY/PROGRAMS</u> Review of SAPR Training and Education Provided to Service Members	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 120 days After Enactment (April 26, 2014)
FY 2014 §1743	<u>SAPR PROGRAMS/POLICY</u> Eight-Day Incident Reporting Requirement for Unrestricted Reports of Sexual Assault	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.	Effective 180 days after enactment (June 26, 2014)

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<p>FY 2016 §538</p>	<p><u>SAPR</u> <u>PROGRAMS/POLICY;</u> <u>MALE VICTIMS</u></p> <p>MALE-SPECIFIC SAPR PLAN</p> <p>Improved DoD Prevention and Response to Sexual Assault in which the Victim is a Male Member of the Armed Forces</p>	<p>(a) The SecDef in collaboration with the Secretaries of the military departments, shall develop a plan to improve DoD prevention and response to sexual assaults in which the victim is a male member of the Armed Forces.</p> <p>(b) Elements – The plan shall include the following:</p> <ol style="list-style-type: none"> (1) SAPR training to more comprehensively and directly address the incidence of male members of the Armed Forces who are sexually assaulted and how certain behavior and activities, such as hazing, can constitute a sexual assault. (2) Methods to evaluate the extent to which differences exist in the medical and mental health-care needs of male and female sexual assault victims, and the care regimen, if any, that will best meet those needs. (3) Data-driven decision making to improve male-victim sexual assault prevention and response efforts. (4) Goals with associated metrics to drive the changes needed to address sexual assaults of male members of the Armed Forces. (5) Information about the sexual victimization of males in communications to members that are used to raise awareness of sexual assault and efforts to prevent and respond to it. (6) Guidance for the department’s medical and mental health providers, and other personnel as appropriate, based on the results of the evaluation described in paragraph (2), that delineates these gender-specific distinctions and the care regimen that is recommended to most effectively meet those needs. 	<p>Effective Immediately Upon Passage</p> <p>(Nov 25, 2015)</p>
<p>FY 2016 §540</p>	<p><u>SAPR</u> <u>PROGRAMS/POLICY</u></p> <p>TRAINING</p> <p>SAPR training for Administrators and Instructors of Senior Reserve Officers’ Training Corps</p>	<p>The Secretary of a military department shall ensure that the commander of each unit of the Senior Reserve Officers’ Training Corps and all Professors of Military Science, senior military instructors, and civilian employees detailed, assigned, or employed as administrators and instructors of the Senior Reserve Officers’ Training Corps receive regular SAPR training and education</p>	<p>Effective Immediately Upon Passage</p> <p>(Nov 25, 2015)</p>
<p>FY 2016 §542</p>	<p><u>NATIONAL GUARD and RESERVE</u></p> <p>Comptroller General of the United States Reports on Prevention and Response to Sexual Assault by the Army National Guard and the Army Reserve</p>	<p>(a) Comptroller General of the U.S. shall submit to Congress a report on the preliminary assessment of the extent to which the Army National Guard and the Army Reserve-</p> <ol style="list-style-type: none"> (1) Have in place policies and programs to prevent and respond to incidents of sexual assault involving members of the Army National Guard or the Army reserve, as applicable; (2) Provide medical and mental health care services to members of the ANG or AR, following a sexual assault; and (3) Have identified whether the nature of service in the ANG or AR, poses challenges to the prevention or response to sexual assault. <p>(b) Additional Reports – If after submitting the report required by subsection (a) the Comptroller General makes additional assessments as a result of the review, CG shall submit reports to Congress on such additional assessments.</p>	<p>First Report Due: not later than</p> <p>April 1, 2016</p>

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SAPRO ANNUAL REPORT			
FY05 §577(f)	<u>SAPRO ANNUAL REPORT</u> ESTABLISHED DoD Annual Report on Sexual Assaults	Initial requirement for DoD to provide an annual report to congress by Jan 15 of each year. Reporting required: 1. number of reported sexual assaults by Service members during the year covered by report; 2. number of cases that were substantiated; 3. synopsis of, and disciplinary action taken in each substantiated case; and 4. policies, procedures, and processes implemented for sexual assault response.	REPEALED BY FY11 §1631 First report due Jan 15, 2005; Annually thereafter
FY06 §596(c)	<u>SAPRO ANNUAL REPORT</u> Additional Reporting Requirements for Annual DoD SAPRO report	(amends FY05 §577(f)(2)): 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.	REPEALED BY FY11 §1631 Annually reported beginning with January 15, 2007 SAPRO Report
FY07 §583	<u>SAPRO ANNUAL REPORT</u> Required Synopsis of Cases in Annual DoD SAPRO Report	(amends FY05 §577(f)(2)): Amended reporting requirement to add a synopsis of each substantiated case and disciplinary action taken , including the type of disciplinary or administrative sanction imposed, if any.	REPEALED BY FY11 §1631 Effective Immediately (Oct 17, 2006)
FY10 §567(c)(1)	<u>SAPRO ANNUAL REPORT</u> Additional Reporting Requirements for SAPRO Annual Report Concerning Military Protective Orders (MPOs)	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. IMPLEMENTATION: (unclear whether this was repealed by FY11 §1631)	Annual SAPRO Report
FY11 §1631(a), (b)	<u>SAPRO ANNUAL REPORT</u> Annual SAPR Reporting Requirements for Services	(Repeals FY05 §577(f)) Service Secretaries must submit annual 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	First report due March 1, 2012 and each March 1 thereafter

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		resources are accessible to deployed units. IMPLEMENTATION: FY 2012, FY2013, FY 2014 SAPRO Reports	
FY11 §1631(d)	<u>SAPRO ANNUAL REPORT</u> Annual SAPR Reporting Requirements for SecDef	(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. IMPLEMENTATION: FY 2012, FY2013, FY 2014 SAPRO Reports	First report due April 30, 2012 and each Apr 30 thereafter
FY 2013 §575	<u>SAPRO ANNUAL REPORT</u> Modification of Annual DoD SAPRO Reporting Requirements Regarding Sexual Assaults	(Amends FY 11 §1631): Requirement for greater detail in the case synopses portion of the report to include: 1. if the charges were dismissed after an Art 32 the reason for dismissal; 2. whether accused previously accused of a substantiated sexual assault, or admitted to service with a moral waiver for sexual misconduct. 3. Must include branch of service, alcohol involvement, and nature of punishment when non-judicial. 4. Report must also include requests for transfer status, number denied with description of reason why, 5. 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, 6. including trends relating to prevalence of incidents, prosecution of incidents and avoidance of incidents. IMPLEMENTATION: FY 2014 SAPRO Report	Beginning with FY 14 SAPRO Report (March 1, 2014)
FY 2015 §542	<u>SAPRO ANNUAL REPORT</u> Added SAPR Annual Reporting Requirement	Amends section 1631 of the FY11 NDAA by adding the following reporting requirements: An analysis of the disposition of the most serious offenses occurring during sexual assaults committed by members of the Armed Force during the year covered by the report, as identified in unrestricted reports of sexual assault by any members of the Armed Forces, including the numbers of reports identifying offenses that were disposed of by each of the following: 1. Conviction by court-martial, including a separate statement of the most serious charge preferred and the most serious charge for which convicted; 2. Acquittal of all charges at court-martial 3. Non-judicial punishment under Article 15 UCMJ 4. Administrative Action, including by each type of administrative action imposed. 5. Dismissal of all charges, including by reason for dismissal and by stage of the proceedings in which dismissal occurred. IMPLEMENTATION: Fiscal Year 2014 Annual Report on Sexual Assault in the Military, Appendix D - FY 2014 Aggregate Data Matrices	Data must be included in Mar 15, 2015 SAPRO Report

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SERVICE ACADEMIES			
FY04 §527(a)	<u>SERVICE ACADEMIES</u> Actions To Address Sexual Harassment And Violence At The Service Academies	Academies required to create policy on sexual harassment and violence to include training and awareness programs, and reporting procedures	Policy Due June 1, 2004
FY04 §527(b),(c)	<u>SERVICE ACADEMIES;</u> Annual Assessment and Report of Sexual Harassment and Violence at the Military Academies	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.	REPEALED BY FY07 §532 First report due in one year (Nov 24, 2004)
FY07 §532	<u>SERVICE ACADEMIES</u> Revision and Clarification of Requirements Concerning Sexual Harassment and Sexual Violence at the Service Academies	(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.	Effective Immediately Upon Passage (Oct 17, 2006) Service Academy reports due annually
<u>FY 2015</u> §552	<u>SERVICE ACADEMIES</u> Applicability of SAPR related Military Justice Enhancements to Military Service Academies	Service Secretaries shall ensure that the FY14 NDAA sexual assault provisions from title XVII, subtitle D, and amendments apply to the Military Service Academies and the Coast Guard Academy.	Effective Immediately Upon Passage (Dec 19, 2014)

SEXUAL ASSAULT FORENSIC EXAMINERS (SAFE/SAMFE/SANE)			
FY07 §701	<u>SANES/SAFEs</u> Extended TRICARE Coverage to Sexual Assault Forensic Exams (SAFEs)	Amendment to 10 U.S.C. section 1079(a) to add authorization for forensic examinations following sexual assault or domestic violence incidents.	Effective Immediately Upon Passage (Oct 17, 2006)
FY10 §567(b)	<u>SANES/SAFEs</u> Report on Sexual Assault Medical Forensic Examinations (SAMFE) in Combat Zones	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.	Report due 180 days after Enactment (Apr 28, 2010)
FY11 §1621	<u>SANES/SAFEs</u> Improved Protocols for Providing Medical Care for Victims of Sexual Assault	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.	Effective Immediately Upon Passage (Jan 7, 2011)

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FY 2014 §1725	<u>SANEs/SAFEs</u> Qualifications and Selection of DoD SAPR Personnel and Required Availability of SANEs	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.	Effective 120 days after Enactment (April 26, 2014)
FY 2015 §539(a)	<u>SANEs/SAFEs</u> Personnel Requirements for Sexual Assault Forensic Examiners (SAFEs) for the Armed Forces	Requires Sexual Assault Forensic Examiners (SAFEs) for the Armed Forces and civilian employees to be 1) a physician; 2) a nurse practitioner; 3) a nurse midwife; 4) a physician assistant; or 5) a registered nurse. Independent duty corpsmen or equivalent may be assigned to duty as a SAFE if assignment of others not practicable.	Effective Immediately Upon Passage (Dec 19, 2014)
FY 2015 §539(b)	<u>SANEs/SAFEs</u> Training Requirements for Sexual Assault Forensic Examiners (SAFEs) for the Armed Forces	SecDef shall establish, maintain, and update when appropriate, a training and certification program for SAFEs that shall apply uniformly to all SAFEs under the jurisdiction of the Service Secretaries. Required elements for training: SANE-A certification or equivalent; o training and clinical experience similar to that required for certification. Training must incorporate best practices and standards. After effective date, an individual may not be assigned to duty as a SAFE for the Armed Forces unless all training required is completed.	Effective 1 Year after Enactment (Dec 19, 2015)
FY 2015 §539(c)	<u>SANEs/SAFEs</u> Report on Training and Qualifications of Sexual Assault Forensic Examiners (SAFEs)	SecDef shall prepare a report on the adequacy of the training and qualifications of each member of the Armed Forces and civilian employees assigned responsibilities of a SAFE. Required elements: 1) an assessment of the adequacy of the training and certifications required; 2) such improvements as the SecDef considers appropriate in the process used to assign members and employees to positions including responsibility for SAFEs; 3) such improvements as the SecDef considers appropriate for training and certifying SAFEs SecDef shall submit report to the SASC and HASC within 120 days.	Report Due 120 Days (Apr 19, 2015)
FY 2015 §539(d)	<u>SANEs/SAFEs</u> Sexual Assault Nurse Examiner (SANE) term to be replaced by Sexual Assault Forensic Examiner (SAFE)	Amends section 1725 of FY14NDAA to replace the term “sexual assault nurse examiner” with “Sexual Assault Forensic Examiner.”	Effective Immediately Upon Passage (Dec 19, 2014)

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SEXUAL HARASSMENT			
FY 2013 §579	<u>SEXUAL HARASSMENT</u> 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 (and provide to HASC & SASC) to address training, prevention, reporting, and response to sexual harassment including procedures for anonymous reporting. Mechanisms for responding to and resolving incidents of alleged sexual harassment including through prosecution of offenders. The Secretary of Defense shall prepare the policy and report required by this subsection in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense. (b) Requires a plan for data collection and reporting of substantiated incidents of sexual harassment . The plan shall specifically deal with the need to identify cases in which a member is accused of multiple incidents of sexual harassment.	(a) Policy due in one year (Jan 3, 2014) (b) Plan due Jun 1, 2013
FY 2013 §579(b)(3)	<u>SAPRO REPORT</u> <u>SEXUAL HARASSMENT</u> Annual SAPRO Reporting Requirements for Substantiated Incidents of Sexual Harassment Involving Service Members	(3) REPORTING REQUIREMENT.—As part of the reports required to be submitted in 2014 under section 1631 of the FY 2011 NDAA (Annual SAPRO Report), the Secretary of Defense shall include information and data collected under the plan during the preceding year regarding substantiated incidents of sexual harassment involving members of the Armed Forces.	2014 SAPRO Report
FY 2014 §1735	<u>SEXUAL HARASSMENT;</u> Review of the Office of Diversity Management and Equal Opportunity Role in Sexual Harassment Cases	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 ODMEEO works with SAPRO to address sexual harassment; assess current role of ODMEEO; identify and evaluate the resource and personnel gaps, if any, in the ODMEEO to adequately address sexual harassment cases and track incidences.	Effective Immediately Upon Passage (Dec 26, 2013)

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SPECIAL VICTIMS' COUNSEL			
<p style="color: blue; text-decoration: underline;">FY 2012</p> <p>§581</p>	<p style="text-align: center;"><u>SPECIAL VICTIMS' COUNSEL</u></p> <p style="text-align: center;">Access of Sexual Assault Victims to Legal Assistance and Services of SARCs and SAPR VAs</p>	<p>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.</p>	<p>Effective 180 days after enactment</p> <p style="text-align: center;">(Jun 31, 2012)</p>
<p style="color: blue; text-decoration: underline;">FY 2014</p> <p>§1716(a), (b)</p>	<p style="text-align: center;"><u>SPECIAL VICTIMS COUNSEL</u></p> <p style="text-align: center;">Special Victims' Counsel Availability for Victims of Sex-Related Offenses</p>	<p>(a) Purpose - The Secretary concerned shall designate legal counsel (to be known as 'Special Victims' Counsel') for the purpose of providing legal assistance to an individual eligible for military legal assistance under section 1044 of this title who is the victim of an alleged sex-related offense, regardless of whether the report of that offense is restricted or unrestricted.</p> <p>(b) TYPES OF LEGAL ASSISTANCE AUTHORIZED.—The types of legal assistance authorized by subsection (a) include the following:</p> <p>(1) Legal consultation regarding potential criminal liability of the victim stemming from or in relation to the circumstances surrounding the alleged sex-related offense and the victim's right to seek military defense services.</p> <p>(2) Legal consultation regarding the Victim Witness Assistance Program, including—(A) the rights and benefits afforded the victim; (B) the role of the VWAP liaison and what privileges do or do not exist between the victim and the liaison; and (C) the nature of communication made to the liaison in comparison to communication made to a SVC or a legal assistance attorney under section 1044 of this title.</p> <p>(3) Legal consultation regarding the responsibilities and support provided to the victim by the SARC, a unit or installation Sexual Assault VA, or domestic abuse advocate, to include any privileges that may exist regarding communications between those persons and the victim.</p> <p>(4) Legal consultation regarding the potential for civil litigation against other parties (other than the Department of Defense).</p> <p>(5) Legal consultation regarding the military justice system, including (but not limited to)— (A) the roles and responsibilities of the trial counsel, the defense counsel, and investigators; (B) any proceedings of the military justice process in which the victim may observe; (C) the Government's authority to compel cooperation and testimony; and (D) the victim's responsibility to testify, and other duties to the court.</p> <p>(6) Accompanying the victim at any proceedings in connection with the reporting, military investigation, and military prosecution of the alleged sex-related offense. Legal consultation regarding eligibility and requirements for services available from appropriate agencies or offices for emotional and mental health counseling and other medical services;</p> <p>(8) Legal consultation and assistance— (A) in personal civil legal matters in accordance with section 1044 of this title; (B) in any proceedings of the military justice process in which a victim can participate as a witness or other party; (C) in understanding the availability of, and obtaining any protections offered by, civilian and military protecting or restraining orders; and (D) in understanding the eligibility and requirements for, and obtaining, any available military and veteran benefits, such as transitional compensation benefits found in section 1059 of this title and other State and Federal victims' compensation programs.</p> <p>(9) Such other legal assistance as the Secretary of Defense (or, in the case of the Coast Guard, the Secretary of the Department in which the Coast Guard is operating) may authorize in the regulations prescribed under subsection (h).</p> <p>(c) NATURE OF RELATIONSHIP.—The relationship between a Special</p>	<p>Effective 180 days after enactment</p> <p style="text-align: center;">(June 26, 2014)</p>

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		<p>Victims' Counsel and a victim in the provision of legal advice and assistance shall be the relationship between an attorney and client.</p> <p>(d) QUALIFICATIONS.—An individual may not be designated as a Special Victims' Counsel under this section unless the individual—(1) meets the qualifications specified in section 1044(d)(2) of this title; and (2) is certified as competent to be designated as a SVC by the TJAG of the armed force in which the judge advocate is a member or by which the civilian attorney is employed.</p> <p>(e) ADMINISTRATIVE RESPONSIBILITY.—(1) Consistent with the regulations prescribed under subsection (h), the TJAGs are responsible for the establishment and supervision of individuals designated as SVC.</p> <p>(2) The Secretary of Defense (and, in the case of the Coast Guard, the Secretary of the Department in which the Coast Guard is operating) shall conduct a periodic evaluation of the SVC programs operated under this section.</p> <p>(f) AVAILABILITY OF SVC.—(1) An individual eligible for military legal assistance under section 1044 of this title who is the victim of an alleged sex-related offense shall be offered the option of receiving assistance from a SVC upon report of an alleged sex-related offense or at the time the victim seeks assistance from a SARC, a Sexual Assault VA, a military criminal investigator, a victim/witness liaison, a trial counsel, a healthcare provider, or any other personnel designated by the Secretary concerned for purposes of this subsection.</p> <p>(2) The assistance of a SVC under this subsection shall be available to an individual eligible for military legal assistance under section 1044 of this title regardless of whether the individual elects unrestricted or restricted reporting of the alleged sex-related offense. The individual shall also be informed that the assistance of a SVC may be declined, in whole or in part, but that declining such assistance does not preclude the individual from subsequently requesting the assistance of a SVC.</p>	
<p>FY 2014 §1716(c)</p>	<p style="text-align: center;"><u>SPECIAL VICTIMS COUNSEL</u></p> <p>Special Victims' Counsel Implementation Report</p>	<p>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</p>	<p>Report due 90 days After Enactment (March 26, 2014)</p>
<p>FY 2015 §533</p>	<p style="text-align: center;"><u>SVCs</u></p> <p style="text-align: center;">NATIONAL GUARD AND RESERVE</p> <p style="text-align: center;">Access to Special Victims' Counsel</p>	<p>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 when offense occurs while on active duty, full-time NG duty, inactive-duty training, or when circumstances of alleged offense have a nexus to the military service of the victim.</p>	<p>Effective Immediately Upon Passage (Dec 19, 2014)</p>
<p>FY 2016 §532</p>	<p style="text-align: center;"><u>SVCs</u></p> <p style="text-align: center;">CIVILIAN ACCESS TO SVCs</p> <p style="text-align: center;">DoD Civilian Employee Access to Special Victims' Counsel</p>	<p>Amends 10 U.S.C. 1044e(a)(2) by adding:</p> <p>(C) A civilian employee of the Department of Defense who is not eligible for military legal assistance under section 1044(a)(7) of this title, but who is the victim of an alleged sex-related offense, and the SecDef or Secretary of the military department concerned waives the condition in such section for the purposes of offering Special Victims' Counsel services to the employee</p>	<p>Effective Immediately Upon Passage (Nov 25, 2015)</p>

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<p>FY 2016 §533</p>	<p style="text-align: center;">SVCs</p> <p style="text-align: center;">SVC SCOPE INCLUDES COMPLAINTS, FOIA</p> <p style="text-align: center;">Authority of Special Victims' Counsel to Provide Legal Consultation and Assistance in Connection with Various Government Proceedings</p>	<p>Amends Section 1044e(b) of title 10 U.S.C. to add to SVC authority:</p> <p>(9) Legal consultation and assistance in connection with-</p> <p>(A) any complaint against the Government, including an allegation under review by an IG or EO;</p> <p>(B) any request to the Government for information, including FOIA; and</p> <p>(C) any correspondence or other communications with Congress.</p>	<p style="text-align: center;">Effective Immediately Upon Passage</p> <p style="text-align: center;">(Nov 25, 2015)</p>
<p>FY 2016 §534</p>	<p style="text-align: center;">SVCs; ACCESS TO INFORMATION AND RECORDS</p> <p style="text-align: center;">Timely Notification to Victims of Sex-Related Offenses of the Availability of Assistance from Special Victims' Counsel</p>	<p>Amends 10 U.S.C. 1044e(f) by adding:</p> <p>(3) Subject to such exceptions for exigent circumstances as the SecDef may prescribe, notice of the availability of a Special Victims' Counsel under section 1044e of this title shall be provided to a member of the armed forces or dependent who is the victim of sexual assault before any military criminal investigator or trial counsel interviews, or requests any statement from, the member or dependent regarding the alleged sexual assault.</p>	<p style="text-align: center;">Effective Immediately Upon Passage</p> <p style="text-align: center;">(Nov 25, 2015)</p>
<p>FY 2016 §535</p>	<p style="text-align: center;">SVCs</p> <p style="text-align: center;">SVC TRAINING & METRICS</p> <p style="text-align: center;">Additional improvements to Special Victims' Counsel Program</p>	<p>Amends 10 U.S.C. 1044e(d) by adding:</p> <p><u>(a) Training Time Period and Requirements</u></p> <p>(2) The SecDef shall (A) develop a policy to standardize the time period within which a SVC receives training; and (B) establish the baseline training requirements for a SVC</p> <p><u>(b) Improved Administrative Responsibility</u></p> <p>(3) The SecDef in collaboration with the Secretaries of the military departments shall establish</p> <p>(A) guiding principles for the SVC program, to include ensuring that – (i) SVC are assigned to locations that maximize the opportunity for face-to-face communication between counsel and clients; and (ii) effective means of communication are available to permit counsel and client interactions when face-to-face communication is not feasible.</p> <p>(B) performance measures and standards to measure the effectiveness of the SVC program and client satisfaction with the program; and</p> <p>(C) processes by which the Secretaries of the military departments will evaluate and monitor the SVC program using such guiding principles and performance measures and standards.</p>	<p style="text-align: center;">Effective Immediately Upon Passage</p> <p style="text-align: center;">(Nov 25, 2015)</p>
<p>FY 2016 §544</p>	<p style="text-align: center;">SVCs</p> <p style="text-align: center;">Modification of Rule 104 of the Rules for Courts-Martial to Establish Certain Prohibitions Concerning Evaluations of Special Victims' Counsel</p>	<p>Modifies R.C.M. 104(b)</p> <p>Prohibits the giving of a less favorable rating or evaluation to any member of the Armed Forces serving as a Special Victims' Counsel because of the zeal with which such counsel represented a victim.</p>	<p style="text-align: center;">Effective 180 days after enactment</p> <p style="text-align: center;">(May 25, 2016)</p>

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SPECIAL VICTIM CAPABILITY (SVIP)			
FY 2013 §573	<u>SVIP</u> Establishment of Special Victim Capabilities Within the Military Departments to Respond to Allegations of Certain Special Victim Offenses	Requires DoD regulations 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 prescribe criteria to measure effectiveness and impact of Special Victim Capabilities within 180 Days.	Initial capabilities Effective 1 year after Enactment (Jan 3, 2014)

STATUTE OF LIMITATIONS			
FY06 §553	<u>STATUTE OF LIMITATIONS</u> Removes Statute of Limitations from Murder, Rape, and Child Abuse Offenses	Amends Article 43 of the UCMJ to make clear that no statute of limitations apply to murder, rape, and child abuse offenses.	Effective Immediately Upon Passage (Jan 6, 2006)
FY 2014 §1703	<u>STATUTE OF LIMITATIONS</u> 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)).	Effective Immediately Upon Passage (Dec 26, 2013)

UNRESTRICTED REPORTS			
FY 2014 §1742	<u>UNRESTRICTED REPORTS</u> Commanding Officer Action on Reports of Sexual Offenses Involving Service Members	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.	Effective Immediately Upon Passage (Dec 26, 2014)

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MISCELLANEOUS			
FY 2013 §571	<u>NATIONAL GUARD AND RESERVES</u> Authority to Retain or Recall to Active Duty Reserve Component Members who are Victims of Sexual Assault While on Active Duty	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.	Effective Immediately Upon Passage (Jan 3, 2013)
FY 2014 §1705	<u>MANDATORY MINIMUMS; GCM JURISDICTION FOR SEXUAL ASSAULT</u> Mandatory Discharge or Dismissal and Jurisdiction Limited to General Courts-Martial for Sex-Related Offenses	(a) Amends Article 56, UCMJ: 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. (b) Limits jurisdiction for these offenses to trial by general courts-martial .	Effective 180 days after enactment (Jun 26, 2014)
FY 2014 §1711	<u>PRIOR CONVICTIONS</u> Prohibition on Service in the Armed Forces by Individuals Who Have Been Convicted of Sexual Offenses	(Repeals FY13 §523). 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.	Effective Immediately Upon Passage (Dec 26, 2013)
FY 2015 §531	Technical Revisions and Clarifications for certain FY14 NDAA Provisions	<ol style="list-style-type: none"> 1. Explicit authority for convening authority to take action on findings of a court-martial with respect to a qualifying offense. 2. Clarification of requirement for explanation in writing for modification to findings of a court-martial by convening authority. 3. Clarification regarding victim submission of matters for consideration by convening authority during clemency phase of courts-martial 4. Restoration of waiver of Article 32 Hearings by the accused. 5. Defense counsel interview of victim – requires DC to request through SVC or other victim counsel (rather than through trial counsel). 6. Clarification of definition of forcible sodomy – replaces “force” with “unlawful force.” 7. Clarification of scope of “prospective member” for purposes of inappropriate and prohibited relationships - to include a person “who is pursuing or has recently pursued becoming a member of the Armed Forces.” 8. Clarification of authority to appoint individuals to assume rights of certain victims – strikes requirement for judge to “designate a legal guardian...” and replaces with “designate a representative.” 9. Revision of effective dates for new Article 32 – applies to all preliminary hearings conducted on or after Dec 26, 2014. 10. Transition rule for amendments related to Article 60 – new amendment applies to findings and sentence of a court-martial that includes both an offense committed before the effective date and an offense committed after the effective date. New amendment does not apply to findings and sentence of a court-martial where convening authority has taken action within 30 days 	Effective Immediately Upon Passage (Dec 19, 2014)

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		of the enactment of FY15NDAA. Section 1(ii)	
<u>FY 2015</u> §540	<u>MILITARY JUDGES</u> Modification of Terms of Judges	Amends Article 142(b)(2) of the UCMJ to modify U.S. Court of Criminal Appeals for the Armed Forces judges' terms by three months.	Effective Immediately Upon Passage (Dec 19, 2014)
<u>FY 2016</u> §543	<u>UCMJ CHANGES</u> <u>PROCESS</u> Improved Implementation of Changes to the Uniform Code of Military Justice	The SecDef shall examine the DoD process for implementing statutory changes to the UCMJ for the purpose of developing options for streamlining such process. The Secretary shall adopt procedures to ensure that legal guidance is published as soon as practicable whenever statutory changes to the UCMJ are implemented.	Effective Immediately Upon Passage (Nov 25, 2015)
<u>FY 2016</u> §545	<u>MRE 304</u> Modification of Rule 304 of the Military Rules of Evidence relating to the corroboration of a confession or admission	To the extent the President considers practicable, the President shall modify Rule 304(b) of the M.R.E. to conform to the rules governing the admissibility of the corroboration of admissions and confessions in the trial of criminal cases in the U.S. District courts.	Effective Immediately Upon Passage (Nov 25, 2015)

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FEDERAL ADVISORY COMMITTEES (FACA)			
FY04 §526	<u>SERVICE ACADEMIES</u> DEFENSE TASK FORCE on Sexual Harassment and Violence at the Military Academies	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
FY05 §576	<u>DEFENSE TASK FORCE – DTF-SAMS</u> Established Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS)	(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	DTF-SAMS Report due one year after initiation of new tasking
FY10 §566	<u>DEFENSE TASK FORCE – DTF-SAMS</u> DTF-SAMS Report Deadline Extended	(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. IMPLEMENTATION: <u>Report of the Defense Task Force on Sexual Assault in the Military Services</u> (Dec 2009)	DTF-SAMS Report due Dec 1, 2009
<u>FY 2013</u> §576	<u>RESPONSE SYSTEMS PANEL/ JUDICIAL PROCEEDINGS PANEL</u> Independent Reviews and Assessments of UCMJ and Judicial Proceedings of Sexual Assault Cases	<p>RESPONSE SYSTEMS TO ADULT SEXUAL ASSAULT CRIMES PANEL SecDef to establish a 9 member panel to conduct an independent review and assessment of the <u>systems</u> 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. Tasks:</p> <ul style="list-style-type: none"> (A) Assessment of strengths and weaknesses of the <u>systems</u> from 2007-2011 (B) Comparison of military and civilian <u>systems</u> including differences and civilian best practices. (C) Assessment of civilian advisory sentencing guidelines and whether advisable for courts-martial. (D) Assessment of training level and experience of military defense and trial counsel and comparison with Federal and State prosecutors and defense counsel for similar cases. (E) Assessment and comparison of military court-martial conviction rates with Federal and State courts and reasons for differences. (F) Assessment of the roles and effectiveness of commanders in prevention and response to sexual assaults. (G) Assessment of the strengths and weaknesses of proposed legislation to modify the current role of commanders in administration of military justice. (H) Assessment of the adequacy of the systems and procedures to support and protect victims in all phases of invest., prosec., adjudic. of adult sexual assault crimes including whether victims are provided with CVRA and DoDI 1030 rights. (I) Such other matters and materials the panel considers appropriate. <p>JUDICIAL PROCEEDINGS SINCE 2012 AMENDMENTS PANEL SecDef to establish a subsequent 5 member panel to conduct an independent review and assessment of judicial proceedings conducted under the UCMJ involving adult</p>	<p>Original appointments to panel 120 days after enactment</p> <p>(May 3, 2013)</p>

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		<p>sexual assault and related offenses since the amendments made to Article 120 in 2012. Tasks:</p> <ul style="list-style-type: none"> (A) Assess and make recommendations for improvements in the implementation of the 2012 reforms to Article 120 UCMJ. (B) Review and evaluate current trends in response to sexual assault crimes by courts-martial, NJP, and administrative actions, including number of punishments by type, and the consistency and appropriateness of the decisions based on the facts of individual cases. (C) Identify any trends in punishments rendered by the military courts in response to sexual assault, including number of punishments by type, consistency of punishments based on the facts of each case compared with punishments rendered by Federal and State courts. (D) Review and evaluate court-martial convictions for sexual assault in the year covered by the most recent report of the JPP and the number and instances in which the defendant appealed following a plea agreement, if such information is available. (E) Review and assess those instances in which prior sexual conduct of the alleged victim was considered in an Article 32 hearing, and any instances in which prior sexual conduct was determined to be inadmissible. (F) Review and assess those instances in which evidence of prior sexual conduct of the alleged victim was introduced by the defense in a court-martial and what impact that evidence had on the case. (G) Building on the data compiled by the Response Systems Panel, assess the trends in the training and experience levels of military defense and trial counsel in adult sexual assault cases and the impact of those trends in the prosecution and adjudication of such cases (H) Monitor trends in the implementation, utilization and effectiveness of the special victims capabilities required by section 573 of the FY13 NDAA (I) Monitor the implementation of the April 20, 2012 SecDef Memorandum withholding initial disposition authority under the UCMJ for certain sexual assault cases. (J) Consider such other matters and materials as the panel considers appropriate for purposes of the reports. <p>IMPLEMENTATION: RSP Report deadline modified by FY14 §1722; JPP established on June 24, 2014.</p>	
<p>FY 2014 §1722</p>	<p><u>RESPONSE SYSTEMS PANEL</u> Advancement of Deadline for Report of Response Systems Panel</p>	<p>Advances the deadline for the RSP report from 18 months to 12 months at the request of SecDef.</p> <p>IMPLEMENTATION: <u>Report of the Response Systems to Adult Sexual Assault Crimes Panel</u> (June 2014)</p>	<p>RSP Report due June 27, 2014</p>
<p>FY 2014 §1731</p>	<p><u>RESPONSE SYSTEMS PANEL/ JUDICIAL PROCEEDINGS PANEL</u> Additional Duties for Response Systems Panel and Judicial Proceedings Panel</p>	<p>(b) Additional duties for the <u>RESPONSE SYSTEMS PANEL</u>:</p> <ul style="list-style-type: none"> a. An assessment of the impact, if any that removing from the chain of command any disposition authority regarding charges preferred under the UCMJ would have on overall reporting and prosecution of sexual assault cases. b. An assessment regarding whether the roles of SVC should be expanded to include legal standing to represent the victim during investigative and military justice proceedings in connection with the prosecution of the offense. c. An assessment of the feasibility and appropriateness of extending to victims of crime under the UCMJ the right afforded civilian crime victims under 18 	<p>RSP Report due June 27, 2014</p> <p>JPP Reports due Annually from 2015 Through Sept. 30, 2017</p>

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		<p>U.S.C. 3771(a)(4), and the legal standing to seek enforcement of crime victim rights.</p> <p>d. An assessment of the means by which the name, if known, and other identifying information of an alleged offender from a restricted report could be compiled into a protected, searchable database for the purpose of identifying individuals who are subjects of multiple accusations of sexual assault and encouraging victims to make an unrestricted report. Assessment should include evaluation of appropriate content to include in database and best means to maintain privacy.</p> <p>e. An assessment of the opportunities for clemency provided in the military and civilian systems, the appropriateness of clemency proceedings in the military system, the manner in which clemency is used in the military system, and whether clemency in the military justice system should be reserved until the end of the military appeals process.</p> <p>f. An assessment of whether the DoD should promulgate a formal statement of what accountability, rights and responsibilities a member of the Armed forces has with regard to matters of sexual assault prevention and response, and key elements of principles that should be included in the formal statement if recommended.</p> <p>(c) <u>Additional duties of the JUDICIAL PROCEEDINGS PANEL:</u></p> <p>a. An assessment of the likely consequences of amending the definition of rape and sexual assault under Article 120 UCMJ to expressly cover a situation in which a person subject to the UCMJ commits asexual act upon another person by abusing one’s position in the chain of command of the other person to gain access to or coerce the other person.</p> <p>b. An assessment of the implementation and effect of FY14 1716 (the SVC program) and make such recommendations for modifications as the JPP considers appropriate.</p> <p>c. An assessment of the implementation and effect of the mandatory minimum sentences established by Article 56(b) UCMJ as added by section 1705, and the appropriateness of statutorily mandated minimum sentencing provisions for additional offenses under the UCMJ.</p> <p>d. An assessment of the adequacy of the provision of compensation and restitution for victims of offenses under the UCMJ.</p> <p>IMPLEMENTATION: Report of the Response Systems to Adult Sexual Assault Crimes Panel (June 2014); Initial Report of the Judicial Proceedings Panel, (Feb 2015).</p>	
<p>FY 2015 §545</p>	<p style="text-align: center;"><u>JUDICIAL PROCEEDINGS PANEL</u> Additional Duties for Judicial Proceedings Panel</p>	<p>Adds to JPP duties enumerated in section 576(a)(2) of the FY13 NDAA:</p> <p>(1) Conduct a review and assessment regarding the impact of the use of any mental health records of the victim of an offense under the UCMJ, by the accused during the preliminary hearing conducted under Article 32 and during court-martial proceedings, as compared to the use of similar records in civilian criminal legal proceedings.</p> <p>(2) Conduct a review and assessment regarding the establishment of a privilege under the MRE against the disclosure of communications between: 1) users of and personnel staffing the DoD SAFE Helpline; and 2) users of and personnel staffing of the DoD SAFE HelpRoom. IMPLEMENTATION: M.R.E. 514(a)-(c) as amended by EO 13696 (June 17, 2015) Section 2(j)-(n).</p> <p>JPP shall include the results of the reviews in “one of the reports required” by 576(c)(2)(B) of the FY13 NDAA.</p> <p>IMPLEMENTATION: JPP Report on Restitution Compensation (Feb 1, 2016); JPP Report on Article 120 (Feb 4, 2016); JPP Report on Retaliation (Feb 11, 2016)</p>	<p>JPP Reports due Annually from 2015 Through Sept. 30, 2017</p>

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<p><u>FY 2015</u> §546</p>	<p style="text-align: center;"><u>DEFENSE ADVISORY COMMITTEE (DAC-SAAF)</u></p> <p>Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces</p>	<p>The SecDef shall establish and maintain within DoD, an advisory committee (AC) to be known as the “Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.”</p> <p>Advisory Committee shall be established not later than 30 days before the termination date of the independent panel established by SecDef under section 576(a)(2) of the FY13 NDAA, known as the Judicial Proceedings Panel.</p> <p><u>Membership:</u> Not more than 20 members, appointed by SecDef, who have experience with the investigation, prosecution, and defense of sexual assault offenses. Members may include Federal and State prosecutors, judges, law professors, and private attorneys. Members of the Armed Forces serving on active duty may not serve as a member of the Advisory Committee.</p> <p><u>Duties:</u> The AC shall advise the SecDef on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.</p> <p>The AC shall review, on an ongoing basis, cases involving allegations of sexual misconduct as a basis for provision of advice to SecDef.</p> <p><u>Annual Reports:</u> Not later than March 30 each year, the AC shall submit to SecDef and the SASC and HASC, a report describing the results of the activities of the AC during the preceding year.</p> <p><u>Termination:</u> AC shall terminate 5 years after the date of establishment of the AC. SecDef may continue the AC after termination date if SecDef determines that continuation is advisable and appropriate.</p> <p>If SecDef determines to continue the AC, he/she shall submit to the President, SASC and HASC a report describing the reasons for that determination and specifying the new termination date for the AC.</p> <p>IMPLEMENTATION: Modified by FY16 §537</p>	<p>DAC Begins 30 Days before termination of JPP (Aug. 31, 2017)</p> <p>Terminates after 5 Years (Aug 31, 2022)</p>
<p><u>FY 2016</u> §537</p>	<p style="text-align: center;"><u>DEFENSE ADVISORY COMMITTEE (DAC-SAAF)</u></p> <p>Modification of Deadline for Establishment of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces</p>	<p>Amends FY15 NDAA 546(a)(2) to require that the Defense Advisory Committee be established within 90 days of the enactment of the FY16 NDAA.</p> <p>IMPLEMENTATION: DAC-SAAF Charter - Established February 18, 2016.</p>	<p>DAC established Not later than 90 days after enactment (Feb 23, 2015)</p>

Pink shading = Recurring Annual Report Requirement
 Purple shading = One-time Report Requirement

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REFERENCES

Executive Orders	
Proposed E.O. (October 19, 2015) Published in Federal Register	http://jsc.defense.gov/Portals/99/Documents/PEO3FedRegNotice19Oct15.pdf
E.O. 13696 (June 17, 2015): 2015 Amendments to the MCM	https://www.federalregister.gov/articles/2015/06/22/2015-15495/2015-amendments-to-the-manual-for-courts-martial-united-states
E.O. 13669 (13 June 2014): 2014 Amendments to the MCM	https://www.federalregister.gov/articles/2014/06/18/2014-14429/2014-amendments-to-the-manual-for-courts-martial-united-states
E.O. 13643 (15 May 2013): 2013 Amendments to the MCM	https://www.federalregister.gov/articles/2013/05/21/2013-12157/2013-amendments-to-the-manual-for-courts-martial-united-states
Manual for Courts-Martial	
2015 Updated MCM Part II Rules for Courts-Martial	http://jsc.defense.gov/Portals/99/Documents/RCMsJun15.pdf
2015 Updated MCM Part III: Military Rules of Evidence	http://jsc.defense.gov/Portals/99/Documents/MREsRemoved412e.pdf

[E.O. 12198](#) (March 12, 1980): Amendments to the 1969 MCM

[FY 2016 NDAA \(PL 114-92, Nov 25, 2015\)](#)