



**JUDICIAL PROCEEDINGS PANEL**  
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ARLINGTON, VA 22202

July 24, 2014

**Summary of Authorization**

Judicial Proceedings since Fiscal Year 2012 Amendments Panel

Washington, D.C. - The Judicial Proceedings since Fiscal Year 2012 Amendments Panel was established by Public Law 112-239; 126 Stat. 1632, the National Defense Authorization Act for Fiscal Year 2013. Subtitle H, section 576 of the Act lays out the makeup, authority, and duties of the Panel. Additional duties were assigned to the Panel by Congress in Subtitle H, section 1731 of the National Defense Authorization Act for Fiscal Year 2014, Public Law 113-66; 127 Stat 672.

- The Panel is composed of five members, designated by the Secretary of Defense, two of whom must have also served on the Response Systems to Adult Sexual Assault Crimes Panel.
- The chair of the Judicial Proceedings Panel is appointed by the Secretary of Defense from among the members of the Panel.
- The Judicial Proceedings Panel is a federal advisory committee under the provisions of the Federal Advisory Committee Act of 1972 (5. U.S.C., Appendix, as amended).
- The Panel will conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice involving adult sexual assault and related offenses since the H. R. 4310—128 amendments made to the Uniform Code of Military Justice by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1404) for the purpose of developing recommendations for improvements to such proceedings.
- The review and assessment of the Panel will include:
  - An assessment of, and recommendations for improvements in, the implementation of the reforms to the offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice that were enacted by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112– 81; 125 Stat. 1404).
  - A review and evaluation of current trends in response to sexual assault crimes whether by courts-martial proceedings, non-judicial punishment and administrative actions, including the number of punishments by type, and the consistency and appropriateness of the decisions, punishments, and administrative actions based on the facts of individual cases.

- The identification of any trends in punishments rendered by military courts, including general, special, and summary courts-martial, in response to sexual assault, including the number of punishments by type, and the consistency of the punishments, based on the facts of each case compared with the punishments rendered by Federal and State criminal courts.
- A review and evaluation of court-martial convictions for sexual assault in the year covered by the most-recent report of the Panel, the number and description of instances when punishments were reduced or set aside upon appeal, and the instances in which the defendant appealed following a plea agreement, if such information is available.
- A review and assessment of those instances in which prior sexual conduct of the alleged victim was considered in a proceeding under section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), and any instances in which prior sexual conduct was determined to be inadmissible.
- A review and assessment of 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.
- An assessment of 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.
- Monitoring trends in the development, utilization and effectiveness of the special victim capabilities.
- Monitoring the implementation of the April 20, 2012, Secretary of Defense policy memorandum regarding withholding initial disposition authority under the Uniform Code of Military Justice in certain sexual assault cases.
- An assessment of the likely consequences of amending the definition of rape and sexual assault under section 920 of title 10, United States Code (article 120 of the Uniform 10 Code of Military Justice), to expressly cover a situation in which a person subject to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), commits a sexual 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.
- An assessment of the implementation and effect of section 1044e of title 10, United States Code, as added by section 1716, and make such recommendations for modification of such section as the Judicial Proceedings Panel considers appropriate.
- An assessment of the implementation and effect of the mandatory minimum sentences established by section 856(b) of title 10, United States Code (article 56(b))

of the Uniform Code 2 of Military Justice), as added by section 1705, 3 and the appropriateness of statutorily mandated minimum sentencing provisions for additional offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

- An assessment of the adequacy of the provision of compensation and restitution for victims of offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), and development of recommendations on expanding such compensation and restitution, including consideration of the options as follows:
  - Providing the forfeited wages of incarcerated members of the Armed Forces to victims of offenses as compensation.
  - Including bodily harm among the injuries meriting compensation for redress under section 939 of title 10, United States Code (article 139 of the Uniform Code of Military Justice).
  - Requiring restitution by members of the Armed Forces to victims of their offenses upon the direction of a court-martial.
- Such other matters and materials as the Panel considers appropriate for purposes of the reports.
- The Panel is required to submit its first report, including any proposals for legislative or administrative changes to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives not later than 180 days after the first meeting of the Panel.
- The Panel is required to submit subsequent reports during fiscal years 2014 through 2017.
- The first meeting of the Panel is to be held not later than 60 days after the date of appointment of all of the members of the Panel. Thereafter, meetings are to be held at the call of the chair.
- The Panel will terminate on September 30, 2017.

For more information please visit the Judicial Proceedings Panel's website at:

<http://jpp.whs.mil>. Requests to make public comment, written comments, or any other input for the Panel to consider may be directed to Ms. Julie Carson at [whs.pentagon.em.mbx.judicial-panel@mail.mil](mailto:whs.pentagon.em.mbx.judicial-panel@mail.mil), or for additional assistance, please contact Ms. Carson at (703) 693-3849.