

113TH CONGRESS
1ST SESSION

H. R. 1079

To amend the Uniform Code of Military Justice to eliminate the authority of the convening authority to modify the findings and sentence of a court-martial as a matter of command prerogative involving the sole discretion of the convening authority.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2013

Ms. SPEIER (for herself, Mr. MEEHAN, Mr. BRALEY of Iowa, Ms. PINGREE of Maine, Ms. KUSTER, Ms. EDWARDS, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the Uniform Code of Military Justice to eliminate the authority of the convening authority to modify the findings and sentence of a court-martial as a matter of command prerogative involving the sole discretion of the convening authority.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Judicial Re-
5 form Act of 2013”.

1 **SEC. 2. ELIMINATION OF CONVENING AUTHORITY DISCRE-**
2 **TION TO MODIFY THE FINDINGS AND SEN-**
3 **TENCE OF COURTS-MARTIAL.**

4 (a) **REQUIRED ACTION BY CONVENING AUTHORITY**
5 **UPON RECEIPT OF COURT-MARTIAL FINDINGS AND SEN-**
6 **TENCE.**—Section 860 of title 10, United States Code (ar-
7 ticle 60 of the Uniform Code of Military Justice) is
8 amended by striking subsections (c) through (e) and in-
9 serting the following new subsection (c):

10 “(c)(1) As soon as practicable after the receipt of the
11 findings and sentence of a court-martial by the convening
12 authority, the convening authority shall approve of the
13 sentence in whole. Except as provided in section 858b(b)
14 of this title (article 58b(b)), the convening authority shall
15 have no authority whatsoever to modify the findings or
16 sentence of the court-martial.

17 “(2) Under regulations of the Secretary concerned,
18 a commissioned officer commanding for the time being,
19 a successor in command, or any person exercising general
20 court-martial jurisdiction may act under paragraph (1) in
21 place of the convening authority.”.

22 (b) **SUBMISSION OF MATTERS BY THE ACCUSED;**
23 **TREATMENT.**—Subsection (b) of such section and article
24 is amended to read as follows:

25 “(b)(1) The accused may submit to the convening au-
26 thority matters for inclusion in the final record of trial.

1 Any such submission shall be in writing. Except in a sum-
2 mary court-martial case, such a submission shall be made
3 within 10 days after the accused has been given an au-
4 thenticated record of trial. In a summary court-martial
5 case, such a submission shall be made within seven days
6 after the sentence is announced.

7 “(2) If the accused shows that additional time is re-
8 quired for the accused to submit such matters, the con-
9 vening authority or other person taking action under this
10 section, for good cause, may extend the applicable period
11 under paragraph (1) for not more than an additional 20
12 days.

13 “(3) In a summary court-martial case, the accused
14 shall be promptly provided a copy of the record of trial
15 for use in preparing a submission authorized by paragraph
16 (1).

17 “(4) The accused may waive the right to make a sub-
18 mission under paragraph (1). Such a waiver may not be
19 revoked.”.

20 (c) REPEAL OF OTHER AUTHORITY FOR CONVENING
21 AUTHORITY TO SUSPEND SENTENCE.—Section 871 of
22 such title (article 71 of the Uniform Code of Military Jus-
23 tice) is amended by striking subsection (d).

24 (d) CONFORMING AMENDMENTS.—

1 (1) UCMJ.—Section 856a(b) of such title (arti-
2 cle 56a(b) of the Uniform Code of Military Justice)
3 is amended by striking paragraph (1) and inserting
4 the following new paragraph:

5 “(1) the sentence is set aside or otherwise
6 modified as a result of any action authorized to be
7 taken during post-trial procedure and review under
8 subchapter IX;”.

9 (2) TRANSITIONAL COMPENSATION FOR DE-
10 PENDENTS OF MEMBERS SEPARATED FOR DEPEND-
11 ENT ABUSE.—Section 1059(e) of such title is
12 amended by striking paragraph (3).

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