

106TH CONGRESS
2D SESSION

H. R. 4231

To amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to clarify and reaffirm the intent of Congress regarding the court-martial sentence of confinement for life without eligibility for parole.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2000

Mr. BRYANT introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to clarify and reaffirm the intent of Congress regarding the court-martial sentence of confinement for life without eligibility for parole.

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

1 **SECTION 1. CLARIFICATION AND REAFFIRMATION OF THE**
2 **INTENT OF CONGRESS REGARDING THE**
3 **COURT-MARTIAL SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR**
4 **PAROLE**

6 (a) CLARIFICATION OF EFFECT OF SENTENCE.—(1)
7 Section 856a(b) of title 10, United States Code (article
8 56a of the Uniform Code of Military Justice), is
9 amended—

10 (1) by striking “unless—” and inserting “un-
11 less the sentence (or a portion of the sentence in-
12 cluding that part of the sentence providing for con-
13 finement for life without eligibility for parole)—”;

14 (2) by striking paragraph (1) and inserting the
15 following:

16 “(1) is set aside or otherwise modified as a re-
17 sult of—

18 “(A) action taken under section 860 of this
19 title (article 60) by the convening authority or
20 another person authorized to act under that
21 section; or

22 “(B) any other action taken during post-
23 trial procedure and review under any other pro-
24 vision of subchapter IX;”;

25 (3) in paragraph (2), by striking “the sen-
26 tence”; and

1 (4) by striking paragraph (3) and inserting the
2 following:

3 “(3) a reprieve or pardon by the President.”.

4 (b) OFFICERS SENTENCED TO DISMISSAL.—Sub-
5 section (b) of section 871 of such title (article 71) is
6 amended by inserting after the second sentence the fol-
7 lowing new sentence: “However, if the sentence extends
8 to confinement for life without eligibility for parole, that
9 part of the sentence providing for confinement for life
10 without eligibility for parole may not be commuted, remit-
11 ted, or suspended.”.

12 (c) ACTION BY CONVENING AUTHORITY AFTER SEN-
13 TENCE ORDERED EXECUTED.—Subsection (d) of that
14 section is amended by adding at the end the following new
15 sentence: “In the case of a sentence that extends to con-
16 finement for life without eligibility for parole, that part
17 of the sentence extending to confinement for life without
18 eligibility for parole may not be suspended after it is or-
19 dered executed.”.

20 (d) SECRETARIAL AUTHORITY TO REMIT OR SUS-
21 PEND SENTENCE.—Section 874(a) of such title (article
22 74(a)) is amended by inserting before the period at the
23 end the following: “or, in the case of a sentence that ex-
24 tends to confinement for life without eligibility for parole,

1 that part of the sentence that extends to confinement for
2 life without eligibility for parole”.

3 (e) PAROLE.—Section 952 of that title is amended
4 by adding at the end the following new subsection:

5 “(c) Parole may not be granted for an offender serv-
6 ing a sentence of confinement for life without eligibility
7 for parole.”.

8 (f) REMISSION OR SUSPENSION OF SENTENCE.—Sec-
9 tion 953 of such title is amended by inserting in para-
10 graph (1) after “selected offenders” the following: “other
11 than offenders serving a sentence of confinement for life
12 without eligibility for parole”.

○