

113TH CONGRESS
1ST SESSION

S. 538

To amend title 10, United States Code, to modify the authorities and responsibilities of convening authorities in taking actions on the findings and sentences of courts-martial.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2013

Mrs. McCASKILL introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to modify the authorities and responsibilities of convening authorities in taking actions on the findings and sentences of courts-martial.

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. MODIFICATION OF AUTHORITIES AND RESPON-**
4 **SIBILITIES OF CONVENING AUTHORITIES IN**
5 **TAKING ACTIONS ON THE FINDINGS AND**
6 **SENTENCES OF COURTS-MARTIAL.**

7 (a) INCLUSION OF WRITTEN JUSTIFICATION FOR
8 CERTAIN ACTIONS ON SENTENCES.—Paragraph (2) of

1 section 860(c) of title 10, United States Code (article
 2 60(c) of the Uniform Code of Military Justice), is amend-
 3 ed by adding at the end the following new sentence: “In
 4 taking such an action (other than an action to approve
 5 a sentence), the convening authority or other person tak-
 6 ing such action shall prepare a written justification of such
 7 action, which written justification shall be made a part
 8 of the record of the court-martial.”.

9 (b) PROHIBITION ON DISMISSAL OF FINDING OR
 10 CHANGE TO FINDING OF GUILTY OF LESSER INCLUDED
 11 OFFENSE.—Such section (such article) is further amend-
 12 ed—

13 (1) in paragraph (3), by striking the second
 14 sentence; and

15 (2) by adding at the end the following new
 16 paragraph:

17 “(4) If a convening authority or other person acts
 18 on the findings of a court-martial, the convening authority
 19 or other person may not—

20 “(A) dismiss any charge or specification by set-
 21 ting aside a finding of guilty thereto; or

22 “(B) change a finding of guilty to a charge or
 23 specification to a finding of guilty to an offense that
 24 is a lesser included offense of the offense stated in
 25 the charge or specification.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act, and shall apply with respect to findings and
4 sentences of courts-martial reported to convening authori-
5 ties under section 860 of title 10, United States Code (ar-
6 ticle 60 of the Uniform Code of Military Justice), as so
7 amended, on or after that date.

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