

115TH CONGRESS
1ST SESSION

H. R. 2739

To amend title 10, United States Code, to establish additional protections for victims of crimes punishable under the Uniform Code of Military Justice.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2017

Mr. TURNER (for himself and Ms. TSONGAS) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to establish additional protections for victims of crimes punishable under the Uniform Code of Military Justice.

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 “Building an Environ-
5 ment for Helpful, Effective, and Accessible Representation
6 and Decision-making Act” or the “BE HEARD Act”.

1 **SEC. 2. TRAINING FOR SPECIAL VICTIMS' COUNSELS ON EF-**
2 **FECT OF GENDER DIFFERENCES ON VICTIM**
3 **RESPONSE TO SEXUAL ASSAULT.**

4 In establishing the training requirements for Special
5 Victims' Counsels pursuant to section 1044e(d)(2) of title
6 10, United States Code, the Secretary of Defense shall
7 develop specific training to assist Special Victims' Coun-
8 sels in recognizing and dealing with the effect of gender
9 differences on feelings of victimization and response mech-
10 anisms of victims of sexual assault.

11 **SEC. 3. COURT OF APPEALS FOR THE ARMED FORCES JU-**
12 **RISDICTION TO REVIEW INTERLOCUTORY AP-**
13 **PEALS OF DECISIONS ON CERTAIN PETI-**
14 **TIONS FOR WRITS OF MANDAMUS.**

15 Section 806b(e) of title 10, United States Code (arti-
16 cle 6b(e) of the Uniform Code of Military Justice), is
17 amended—

18 (1) in paragraph (1), by striking “paragraph
19 (4)” and inserting “paragraph (5)”;

20 (2) by redesignating paragraph (4) as para-
21 graph (5); and

22 (3) by inserting after paragraph (3) the fol-
23 lowing new paragraph (4):

24 “(4) The Court of Appeals for the Armed Forces may
25 review for legal error a grant or denial of a petition for
26 a writ of mandamus described in this subsection by the

1 Court of Criminal Appeals, upon petition of a victim of
 2 an offense under this chapter or of the accused, and on
 3 good cause shown. Any such review shall have priority of
 4 consideration to the maximum extent practicable.”.

5 **SEC. 4. DESIGNATION OF INDIVIDUALS TO ASSUME VICTIM**
 6 **RIGHTS UNDER UNIFORM CODE OF MILITARY**
 7 **JUSTICE.**

8 (a) CLARIFICATION OF DESIGNATION AUTHORITY.—
 9 Section 806b(c) of title 10, United States Code (article
 10 6b(c) of the Uniform Code of Military Justice), is amend-
 11 ed by inserting after the first sentence the following:

12 “(2) The designation authority provided by this sub-
 13 section is discretionary, and designation of an individual
 14 to assume the rights under this section of a victim who
 15 is under 18 years of age is not required if the military
 16 judge determines that the victim can adequately represent
 17 the victim’s own interests.

18 “(3) Until the military judge is detailed, the con-
 19 vening authority may exercise the designation authority
 20 provided by this subsection.”.

21 (b) CONFORMING AMENDMENTS.—Section 806b(c) of
 22 title 10, United States Code (article 6b(c) of the Uniform
 23 Code of Military Justice), is further amended—

24 (1) by inserting “(1)” before “In the case”; and

1 (2) by striking “However, in no event may the
2 individual so designated” and inserting the fol-
3 lowing:
4 “(4) In no event may the individual designated under
5 this subsection”.

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