

116TH CONGRESS
2D SESSION

H. R. 7789

To amend title 10, United States Code, to authorize military judges and military magistrates to issue military court protective orders, and to direct the Secretary of Defense to establish a military-civilian task force on domestic violence and related information collection activities.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2020

Ms. SPEIER (for herself and Mr. CONNOLLY) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize military judges and military magistrates to issue military court protective orders, and to direct the Secretary of Defense to establish a military-civilian task force on domestic violence and related information collection activities.

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. AUTHORITY OF MILITARY JUDGES AND MILI-**
2 **TARY MAGISTRATES TO ISSUE MILITARY**
3 **COURT PROTECTIVE ORDERS.**

4 (a) JUDGE-ISSUED MILITARY COURT PROTECTIVE
5 ORDERS.—Chapter 80 of title 10, United States Code, is
6 amended by adding at the end the following new section.

7 **“§ 1567b. Authority of military judges and military**
8 **magistrates to issue military court pro-**
9 **TECTIVE ORDERS**

10 “(a) AUTHORITY TO ISSUE MILITARY COURT PRO-
11 TECTIVE ORDERS.—The President shall prescribe regula-
12 tions authorizing military judges and military magistrates
13 to issue protective orders in accordance with this section.
14 A protective order issued in accordance with this section
15 shall be known as a ‘military court protective order’.
16 Under the regulations prescribed by the President, mili-
17 tary judges and military magistrates shall have exclusive
18 jurisdiction over the issuance, appeal, renewal, and termi-
19 nation of military court protective orders and such orders
20 may not be issued, appealed, renewed, or terminated by
21 State, local, territorial, or tribal courts.

22 “(b) ENFORCEMENT BY CIVILIAN AUTHORITIES.—

23 “(1) IN GENERAL.—In prescribing regulations
24 for military court protective orders, the President
25 shall seek to ensure that the protective orders are
26 issued in a form and manner that is enforceable by

1 State, local, territorial, and tribal civilian law en-
2 forcement authorities.

3 “(2) FULL FAITH AND CREDIT.—Any military
4 court protective order, should be accorded full faith
5 and credit by the court of a State, local, territorial,
6 or tribal jurisdiction (the enforcing jurisdiction) and
7 enforced by the court and law enforcement personnel
8 of that jurisdiction as if it were the order of the en-
9 forcing jurisdiction.

10 “(3) RECIPROCITY AGREEMENTS.—Consistent
11 with paragraphs (1) and (2), the Secretary of De-
12 fense shall seek to enter into reciprocity agreements
13 with State, local, territorial, and tribal civilian law
14 enforcement authorities under which—

15 “(A) such authorities agree to enforce mili-
16 tary court protective orders; and

17 “(B) the Secretary agrees to enforce pro-
18 tective orders issued by such authorities that
19 are consistent with section 2265(b) of title 18.

20 “(c) PURPOSE AND FORM OF ISSUANCE.—A military
21 court protective order may be issued for the purpose of
22 protecting a victim of an alleged sex or domestic violence
23 offense, or a family member or associate of the victim,
24 from a person subject to chapter 47 of this title (the Uni-

1 form Code of Military Justice) who is alleged to have com-
2 mitted such an offense.

3 “(d) TIMING AND MANNER OF ISSUANCE.—A mili-
4 tary court protective order may be issued—

5 “(1) by a military magistrate, before referral of
6 charges and specifications to court-martial for trial,
7 at the request of—

8 “(A) a victim of an alleged sex or domestic
9 violence offense; or

10 “(B) a Special Victims’ Counsel or other
11 qualified counsel acting on behalf of the victim;
12 or

13 “(2) by a military judge, after referral of
14 charges and specifications to court-martial for trial,
15 at the request of qualified counsel, which may in-
16 clude a Special Victims’ Counsel acting on behalf of
17 the victim or trial counsel acting on behalf of the
18 prosecution.

19 “(e) DURATION AND RENEWAL OF PROTECTIVE
20 ORDER.—

21 “(1) DURATION.—A military court protective
22 order shall be issued for an initial period of thirty
23 days and may be reissued for one or more additional
24 periods of thirty days in accordance with paragraph
25 (2).

1 “(2) EXPIRATION AND RENEWAL.—Before the
2 expiration of any 30-day period during which a mili-
3 tary court protective order is in effect, a military
4 judge or military magistrate shall review the order
5 to determine whether the order will terminate at the
6 expiration of such period or be reissued for an addi-
7 tional period of 30 days.

8 “(3) NOTICE TO PROTECTED PERSONS.—If a
9 military judge or military magistrate determines
10 under paragraph (2) that a military court protective
11 order will terminate, the judge or magistrate con-
12 cerned shall provide to each person protected by the
13 order reasonable, timely, and accurate notification of
14 the termination.

15 “(f) REVIEW OF MAGISTRATE-ISSUED ORDERS.—

16 “(1) REVIEW.—A military judge, at the request
17 of the person subject to a military court protective
18 order that was issued by a military magistrate, may
19 review the order to determine if the order was prop-
20 erly issued by the magistrate.

21 “(2) STANDARDS OF REVIEW.—A military
22 judge who reviews an order under paragraph (1)
23 shall terminate the order if the judge determines
24 that—

1 “(A) the military magistrate’s decision to
2 issue the order was an abuse of discretion, and
3 there is not sufficient information presented to
4 the military judge to justify the order; or

5 “(B) information not presented to the mili-
6 tary magistrate establishes that the military
7 court protective order should be terminated.

8 “(g) DUE PROCESS.—

9 “(1) PROTECTION OF DUE PROCESS.—Except
10 as provided in paragraph (2), a protective order au-
11 thorized under subsection (a) may be issued only
12 after reasonable notice and opportunity to be heard,
13 directly or through counsel, is given to the person
14 against whom the order is sought sufficient to pro-
15 tect that person’s right to due process.

16 “(2) EMERGENCY ORDERS.—A protective order
17 on an emergency basis may be issued on an ex parte
18 basis under such rules and limitations as the Presi-
19 dent shall prescribe. In the case of ex parte orders,
20 notice and opportunity to be heard must be provided
21 within a reasonable time after the order is issued,
22 sufficient to protect the respondent’s due process
23 rights.

24 “(h) RIGHTS OF VICTIM.—The victim of an alleged
25 sex or domestic violence offense who seeks a military court

1 protective order has, in addition to any rights provided
2 under section 806b (article 6b), the following rights with
3 respect to any proceeding involving the protective order:

4 “(1) The right to reasonable, accurate, and
5 timely notice of the proceeding and of any change in
6 the status of the protective order resulting from the
7 proceeding.

8 “(2) The right to be reasonably heard at the
9 proceeding.

10 “(3) The right to appear in person, with or
11 without counsel, at the proceeding.

12 “(4) The right be represented by qualified
13 counsel in connection with the proceeding, which
14 may include a Special Victims’ Counsel.

15 “(5) The reasonable right to confer with a rep-
16 resentative of the command of the accused and
17 counsel representing the government at the pro-
18 ceeding, as applicable.

19 “(6) The right to submit a written statement,
20 directly or through counsel, for consideration by the
21 military judge or military magistrate presiding over
22 the proceeding.

23 “(i) RESTRICTIONS ON ACCESS TO FIREARMS.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 provision of law—

1 “(A) a military court protective order
2 issued on an ex parte basis shall restrain a per-
3 son from possessing, receiving, or otherwise ac-
4 cessing a firearm; and

5 “(B) a military court protective order
6 issued after the person to be subject to the
7 order has received notice and opportunity to be
8 heard on the order, shall restrain such person
9 from possessing, receiving, or otherwise access-
10 ing a firearm in accordance with section 922 of
11 title 18.

12 “(2) NOTICE TO ATTORNEY GENERAL.—Not
13 later than 72 hours after the issuance of an order
14 described in paragraph (1), the Secretary of Defense
15 shall submit to the Attorney General a record of the
16 order.

17 “(j) TREATMENT AS LAWFUL ORDER.—A military
18 court protective order shall be treated as a lawful order
19 for purposes of the application of section 892 (article 92)
20 and a violation of such an order shall be punishable under
21 such section (article).

22 “(k) COMMAND MATTERS.—

23 “(1) INCLUSION IN PERSONNEL FILE.—Any
24 military court protective order against a member

1 shall be placed and retained in the military per-
2 sonnel file of the member.

3 “(2) NOTICE TO CIVILIAN LAW ENFORCEMENT
4 OF ISSUANCE.—Any military court protective order
5 against a member shall be treated as a military pro-
6 tective order for purposes of section 1567a including
7 for purposes of mandatory notification of issuance to
8 civilian law enforcement as required by that section.

9 “(1) RELATIONSHIP TO OTHER AUTHORITIES.—
10 Nothing in this section may be construed as prohibiting—

11 “(1) a commanding officer from issuing or en-
12 forcing any otherwise lawful order in the nature of
13 a protective order to or against members of the offi-
14 cer’s command;

15 “(2) pretrial restraint in accordance with Rule
16 for Courts-Martial 304 (as set forth in the Manual
17 for Courts-Martial, 2019 edition, or any successor
18 rule); or

19 “(3) pretrial confinement in accordance with
20 Rule for Courts-Martial 305 (as set forth in the
21 Manual for Courts-Martial, 2019 edition, or any suc-
22 cessor rule).

23 “(m) DELIVERY TO CERTAIN PERSONS.—A physical
24 and electronic copy of any military court protective order

1 shall be provided, as soon as practicable after issuance,
2 to the following:

3 “(1) The person or persons protected by the
4 protective order or to the guardian of such a person
5 if such person is under the age of 18 years.

6 “(2) The person subject to the protective order.

7 “(3) To such commanding officer in the chain
8 of command of the person subject to the protective
9 order as the President shall prescribe for purposes
10 of this section.

11 “(n) DEFINITIONS.—In this section:

12 “(1) CONTACT.—The term ‘contact’ includes
13 contact in person or through a third party, or
14 through gifts.

15 “(2) COMMUNICATION.—The term ‘communica-
16 tion’ includes communication in person or through a
17 third party, and by telephone or in writing by letter,
18 data fax, or other electronic means.

19 “(3) COVERED SEX OR DOMESTIC VIOLENCE
20 OFFENSE.—The term ‘covered sex or domestic vio-
21 lence offense’ means—

22 “(A) an alleged sex-related offense (as de-
23 fined in section 1044e(h)); or

24 “(B) an alleged offense of domestic vio-
25 lence under section 928b of this title (article

1 128b of the Uniform Code of Military Justice)
2 or an attempt to commit such an offense that
3 is punishable under section 880 of this title (ar-
4 ticle 80 of the Uniform Code of Military Jus-
5 tice).

6 “(4) MILITARY JUDGE AND MILITARY MAG-
7 ISTRATE.—The terms ‘military judge’ and ‘military
8 magistrate’ mean a commissioned officer of the
9 armed forces who is a member of the bar of a Fed-
10 eral court or a member of the bar of the highest
11 court of a State and who is certified to be qualified,
12 by reason of education, training, experience, and ju-
13 dicial temperament, for duty as a military judge or
14 magistrate by the Judge Advocate General of the
15 armed force of which the officer is a member.

16 “(5) PROTECTIVE ORDER.—The term ‘protec-
17 tive order’ means an order that—

18 “(A) restrains a person from harassing,
19 stalking, threatening, or otherwise contacting or
20 communicating with a victim of an alleged sex
21 or domestic violence offense, or a family mem-
22 ber or associate of the victim, or engaging in
23 other conduct that would place such other per-
24 son in reasonable fear of bodily injury to any
25 such other person; and

1 “(B) by its terms, explicitly prohibits—

2 “(i) the use, attempted use, or threat-
3 ened use of physical force by the person
4 against a victim of an alleged sex or do-
5 mestic violence offense, or a family mem-
6 ber or associate of the victim, that would
7 reasonably be expected to cause bodily in-
8 jury;

9 “(ii) the initiation by the person re-
10 strained of any contact or communication
11 with such other person; or

12 “(iii) actions described by both clauses
13 (i) and (ii).

14 “(6) SPECIAL VICTIMS’ COUNSEL.—The term
15 ‘Special Victims Counsel’ means a Special Victims’
16 Counsel described in section 1044e and includes a
17 Victims’ Legal Counsel of the Navy.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by adding
20 at the end the following new item:

“1567b. Authority of military judges and military magistrates to issue military
court protective orders.”.

21 (c) IMPLEMENTATION.—The President shall pre-
22 scribe regulations implementing section 1567b of title 10,
23 United States Code, not later than one year after the date
24 of the enactment of this Act.

1 **SEC. 2. MILITARY-CIVILIAN TASK FORCE ON DOMESTIC VI-**
2 **OLENCE AND RELATED INFORMATION COL-**
3 **LECTION ACTIVITIES.**

4 (a) **MILITARY-CIVILIAN TASK FORCE ON DOMESTIC**
5 **VIOLENCE.—**

6 (1) **ESTABLISHMENT.**—The Secretary of De-
7 fense shall establish a military-civilian task force on
8 domestic violence (in this section, referred to as the
9 “Task Force”).

10 (2) **DUTIES.**—The duties of the Task Force
11 shall be to analyze and develop recommendations,
12 for implementation by the Secretary, with respect to
13 each of the following:

14 (A) The risk of domestic violence at var-
15 ious stages of military service, including identi-
16 fication of—

17 (i) stages at which there is a higher
18 than average risk of domestic violence; and

19 (ii) stages at which the implementa-
20 tion of domestic violence prevention strate-
21 gies may have the greatest preventive ef-
22 fect.

23 (B) The use and dissemination of domestic
24 violence prevention resources throughout the
25 stages of military service including providing

1 new servicemembers with training in domestic
2 violence prevention.

3 (C) How to best target prevention re-
4 sources to address those with a higher risk of
5 domestic violence.

6 (D) The implementation of strategies to
7 prevent domestic violence by training, edu-
8 cating, and assigning prevention-related respon-
9 sibilities to—

10 (i) commanders;

11 (ii) medical, behavioral, and mental
12 health service providers;

13 (iii) family advocacy representatives;

14 (iv) Military Family Life Consultants;

15 and

16 (v) other individuals and entities with
17 responsibilities that may be relevant to ad-
18 dressing domestic violence.

19 (E) The efficacy of providing survivors of
20 domestic violence with the option to request ex-
21 pedited transfers, and the effects of such trans-
22 fers.

23 (F) Improvements to procedures for re-
24 porting appropriate legal actions to the Na-

1 tional Crime Information Center and the effi-
2 cacy of such procedures.

3 (G) The effects of domestic violence on—

4 (i) housing for military families;

5 (ii) the education of military depend-
6 ent children;

7 (iii) servicemember work assignments
8 and careers; and

9 (iv) the health of servicemembers and
10 their families, including short-term and
11 long-term health effects and effects on
12 mental health.

13 (H) Age-appropriate training and edu-
14 cation programs for students attending schools
15 operated by the Department of Defense Edu-
16 cation Activity that are designed to assist such
17 students in learning positive relationship behav-
18 iors in families and with intimate partners.

19 (I) The potential effects of requiring mili-
20 tary protective orders to be issued by a military
21 judge and whether such a requirement would
22 increase the enforcement of military protective
23 orders by civilian law enforcement agencies out-
24 side the boundaries of military installations.

1 (J) Whether prevention of domestic vio-
2 lence would be enhanced by raising the disposi-
3 tion authority for offenses of domestic violence
4 to an officer who is—

5 (i) in the grade of 0–6 or above;

6 (ii) in the chain of command of the
7 accused; and

8 (iii) authorized by chapter 47 of title
9 10, United States Code (the Uniform Code
10 of Military Justice) to convene special
11 courts-martial.

12 (K) Consideration of any other matters
13 that the Task Force determines to be relevant
14 to—

15 (i) decreasing the frequency of domes-
16 tic violence committed by or upon members
17 of the covered Armed Forces and their de-
18 pendants; and

19 (ii) reducing the severity of such vio-
20 lence.

21 (3) MEMBERSHIP.—The Task Force shall be
22 composed of the following members:

23 (A) One or more representatives of family
24 advocacy programs of the Department of De-
25 fense.

1 (B) One or more representatives of the De-
2 fense Advisory Committee on Women in the
3 Services.

4 (C) One or more medical personnel of the
5 Department of Defense.

6 (D) One or more Judge Advocates Gen-
7 eral.

8 (E) One or more military police or other
9 law enforcement personnel of the covered
10 Armed Forces.

11 (F) One or more military commanders.

12 (G) One or more individuals whose duties
13 include planning, executing, and evaluating
14 training of the covered Armed Forces.

15 (H) Civilians who are experts on domestic
16 violence or who provide services relating to do-
17 mestic violence, including—

18 (i) not fewer than two representatives
19 from the national domestic violence re-
20 source center and the special issue re-
21 source centers referred to in section 310 of
22 the Family Violence Prevention and Serv-
23 ices Act (42 U.S.C. 10410);

1 (ii) not fewer than two representatives
2 from national domestic violence organiza-
3 tions;

4 (iii) not fewer than two representa-
5 tives from State domestic violence and sex-
6 ual assault coalitions; and

7 (iv) not fewer than two domestic vio-
8 lence service providers who provide services
9 in communities located near military in-
10 stallations.

11 (I) One or more representatives who are
12 subject matter experts on—

13 (i) scientific and other research relat-
14 ing to domestic violence; and

15 (ii) science-based strategies for the
16 prevention, intervention, and response to
17 domestic violence.

18 (J) Civilian law enforcement personnel.

19 (K) One or more representatives from the
20 Office on Violence Against Women of the De-
21 partment of Justice.

22 (L) One or more representatives of the
23 Family Violence Prevention and Services Pro-
24 gram of the Department of Health and Human
25 Services.

1 (M) One or more representatives from the
2 Centers for Disease Control and Prevention.

3 (4) APPOINTMENT BY SECRETARY OF DE-
4 FENSE.—

5 (A) IN GENERAL.—The Secretary of De-
6 fense shall appoint the members of the Task
7 Force specified in subparagraphs (A) through
8 (M) of paragraph (3).

9 (B) CONSULTATION.—

10 (i) CONSULTATION WITH ATTORNEY
11 GENERAL.—In appointing members under
12 subparagraph (K) of paragraph 3, the Sec-
13 retary of Defense shall consult with the At-
14 torney General.

15 (ii) CONSULTATION WITH SECRETARY
16 OF HHS.—In appointing members under
17 subparagraphs (L) and (M) of such para-
18 graph, the Secretary shall consult with the
19 Secretary of Health and Human Services.

20 (C) INCLUSION OF CERTAIN PER-
21 SONNEL.—The Secretary shall ensure that the
22 members appointed by the Secretary under this
23 subparagraph include—

24 (i) representatives of the Office of the
25 Secretary of Defense;

- 1 (ii) general and flag officers;
- 2 (iii) noncommissioned officers; and
- 3 (iv) other enlisted personnel of the
- 4 covered Armed Forces.

5 (5) TOTAL NUMBER OF MEMBERS.—The total
6 number of members appointed to the Task Force
7 shall be not more than 25.

8 (6) CHAIRPERSON.—

9 (A) NOMINEE LIST.—On an annual basis,
10 the Task Force shall submit to the Secretary a
11 list of members of the Task Force who may be
12 considered for the position of chairperson of the
13 Task Force.

14 (B) SELECTION.—From the list submitted
15 to the Secretary under subparagraph (A) for
16 each year, the Secretary of Defense shall des-
17 ignate one member of the Task Force to serve
18 as the chairperson of the Task Force.

19 (C) TERM.—The chairperson designated
20 by the Secretary under subparagraph (B) shall
21 serve for a term of one year and may serve for
22 additional terms of one year if redesignated as
23 the chairperson by the Secretary under such
24 subparagraph.

1 (7) MEETINGS.—The first meeting of the Task
2 Force shall convene not later than 180 days after
3 the date of the enactment of this Act. Thereafter,
4 the task Force shall meet in plenary session not less
5 frequently than once annually.

6 (8) COMPENSATION AND TRAVEL EXPENSES.—
7 Each member of the Task Force shall serve without
8 compensation (other than the compensation to which
9 such member may be entitled as a member of the
10 covered Armed Forces or an officer or employee of
11 the United States, as the case may be), but shall be
12 allowed travel expenses, including per diem in lieu of
13 subsistence, at rates authorized for employees of
14 agencies under subchapter I of chapter 57 of title 5,
15 United States Code, while away from the member's
16 home or regular places of business in the perform-
17 ance of services for the Task Force.

18 (9) SITE VISITS.—In the carrying out the du-
19 ties described in paragraph (2), members of the
20 Task Force shall—

21 (A) on an annual basis, visit one or more
22 military installations outside the United States;
23 and

1 (B) on a semiannual basis, visit one or
2 more military installations within the United
3 States.

4 (10) OVERSIGHT AND ADMINISTRATION.—The
5 Secretary of Defense shall designate an appropriate
6 organization within the Office of the Secretary of
7 Defense to—

8 (A) provide oversight of the Task Force;

9 (B) provide the Task Force with the per-
10 sonnel, facilities, and other administrative sup-
11 port that is necessary for the performance of
12 the Task Force's duties; and

13 (C) on a rotating basis, direct the Sec-
14 retary of each military department to—

15 (i) coordinate visits of the Task Force
16 to military installations; and

17 (ii) provide administrative, logistical,
18 and other support for the meetings of the
19 Task Force.

20 (11) REPORTS.—

21 (A) REPORTS TO SECRETARY.—

22 (i) INITIAL REPORT.—Not later than
23 one year after the date on which the mem-
24 bers of the Task Force are appointed
25 under paragraph (3), the Task Force shall

1 submit to the Secretary of Defense rec-
2 ommendations with respect to each matter
3 described in paragraph (2).

4 (ii) SUBSEQUENT REPORTS.—After
5 submitting the initial report under sub-
6 paragraph (A), the Task Force shall, from
7 time to time, submit to the Secretary of
8 Defense such analyses and recommenda-
9 tions as the Task Force considers appro-
10 priate to improve the effectiveness of the
11 covered Armed Forces in responding to
12 and preventing domestic violence.

13 (B) REPORTS TO CONGRESS.—On an an-
14 nual basis until the date on which the Task
15 Force terminates under paragraph (12), the
16 Task Force shall submit to Congress a report
17 that includes—

18 (i) a description of any improvements
19 in the response of the covered Armed
20 Forces to domestic violence over the pre-
21 ceding year;

22 (ii) an explanation of any pending re-
23 search on domestic violence that may be
24 relevant to domestic violence involving

members of the covered Armed Forces;
and

(iii) such analyses and recommendations as the Task Force considers appropriate to improve the effectiveness of the covered Armed Forces in responding to and preventing domestic violence.

(12) TERMINATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Task Force shall terminate on the date that is five years after the date of the first meeting of the Task Force.

(B) CONTINUATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary of Defense may continue the Task Force for a period of up to two years after the termination date applicable under subparagraph (A) if the Secretary determines that continuation of the Task Force is advisable and appropriate.

(ii) NOTICE TO CONGRESS.—If the Secretary determines to continue the Task Force under clause (i), not later than 90 days before the termination date applicable under subparagraph (A) and annually

1 thereafter until the new date of the termi-
2 nation of the Task Force, the Secretary
3 shall submit to the Committees on Armed
4 Services of the Senate and the House of
5 Representatives a notice describing the
6 reasons for the continuation and con-
7 firming the new termination date.

8 (13) IMPLEMENTATION OF RECOMMENDA-
9 TIONS.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), not later than 180 days
12 after the date on which the Secretary of De-
13 fense receives the initial report of the Task
14 Force under paragraph (11)(A)(i), the Sec-
15 retary shall, in consultation with the Task
16 Force, implement the recommendations of the
17 Task Force with respect to each matter de-
18 scribed in paragraph (2).

19 (B) WAIVER.—The Secretary of Defense
20 may waive the requirement under subparagraph
21 (A) with respect to a recommendation of the
22 Task force by submitting to the Committees on
23 Armed Services of the Senate and the House of
24 Representatives a written notification setting

1 forth the reasons for the Secretary's decision
2 not to implement the recommendation.

3 (b) INFORMATION COLLECTION AND REPORTING.—

4 (1) INFORMATION COLLECTION.—

5 (A) REGULAR INFORMATION COLLEC-
6 TION.—Using the mechanism developed under
7 subparagraph (B), the Secretary of Defense
8 shall regularly collect information to measure
9 the prevalence of domestic violence involving
10 members of the covered Armed Forces, their in-
11 timate partners, and immediate family mem-
12 bers.

13 (B) MECHANISM TO MEASURE DOMESTIC
14 VIOLENCE.—The Secretary of Defense, in co-
15 ordination with the Centers for Disease Control
16 and civilian organizations with expertise in con-
17 ducting informational surveys, shall develop a
18 mechanism to carry out the information collec-
19 tion required under subparagraph (A).

20 (2) ANNUAL REPORT ON DOMESTIC VIO-
21 LENCE.—

22 (A) REPORT REQUIRED.—On an annual
23 basis, the Secretary of Defense shall submit to
24 the congressional defense committees a report

1 on domestic violence in the covered Armed
2 Forces.

3 (B) ELEMENTS.—The report required
4 under subparagraph (A) shall include, with re-
5 spect to the year covered by the report, the fol-
6 lowing:

7 (i) Based on the information collected
8 under paragraph (1), an assessment of the
9 prevalence of domestic violence involving
10 members of the covered Armed Forces,
11 their intimate partners, and immediate
12 family members.

13 (ii) The number of convictions under
14 section 928b of title 10, United States
15 Code (article 128b of the Uniform Code of
16 Military Justice).

17 (iii) The recidivism rate for members
18 of the covered Armed Forces convicted of
19 domestic violence offenses.

20 (iv) The number of instances in which
21 a member of the covered Armed Forces re-
22 ceived an administrative discharge as a re-
23 sult of the member's involvement in a do-
24 mestic violence incident.

1 (v) The number of instances in which
2 a member of the covered Armed Forces
3 was prohibited from possessing firearms as
4 a result of the member's conviction for a
5 domestic violence offense.

6 (vi) Of the incidents described in
7 clause (v), the number of instances in
8 which the member received a waiver of
9 such prohibition or was otherwise allowed
10 to access firearms for duty purposes.

11 (vii) An explanation of the status of
12 data sharing between the Department of
13 Defense and civilian law enforcement agen-
14 cies on matters relating to domestic vio-
15 lence.

16 (c) COVERED ARMED FORCES DEFINED.—In this
17 section, the term “covered Armed Forces” means the
18 Army, the Navy, the Air Force, and the Marine Corps.

○