

116TH CONGRESS  
2D SESSION

# H. R. 7060

To improve the military justice system, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2020

Mr. TURNER (for himself and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To improve the military justice system, and for other purposes.

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 Justice Over-  
5 sight and Refinement Act of 2020”.

6 **SEC. 2. BRIEFING ON THE EFFECTIVENESS OF MILITARY**  
7 **JUSTICE REFORM.**

8 Not later than 180 days after the date of the enact-  
9 ment of this Act, the Judge Advocates General of the  
10 Army, the Navy, the Air Force, and the Coast Guard, and  
11 the Staff Judge Advocate to the Commandant of the Ma-

1 rine Corps shall each provide to the Committee on Armed  
2 Services of the House of Representatives a briefing on the  
3 results on the review and assessment conducted under sec-  
4 tion 946(f)(1) of title 10, United States Code (article  
5 146(f)(1) of the Uniform Code of Military Justice). Each  
6 briefing shall include recommendations for improvements  
7 to the Uniform Code of Military Justice based on the re-  
8 sults of such review and assessment.

9 **SEC. 3. BRIEFING SPECIAL VICTIMS' COUNSEL PROGRAM.**

10 (a) BRIEFING REQUIRED.—Not later than 180 days  
11 after the date of the enactment of this Act, the Judge Ad-  
12 vocates General of the Army, the Navy, the Air Force,  
13 and the Coast Guard, and the Staff Judge Advocate to  
14 the Commandant of the Marine Corps shall each provide  
15 to the congressional defense committees a briefing on the  
16 status of the Special Victims' Counsel program of the  
17 Armed Force concerned.

18 (b) ELEMENTS.—Each briefing under subsection (a)  
19 shall include, with respect to the Special Victims' Counsel  
20 program of the Armed Force concerned, the following:

21 (1) An assessment of whether the Armed Force  
22 is in compliance with the provisions of the National  
23 Defense Authorization Act for Fiscal Year 2020 re-  
24 lating to the Special Victims' Counsel program and,

1 if not, what steps have been taken to achieve compli-  
2 ance with such provisions.

3 (2) An estimate of the average caseload of each  
4 Special Victims' Counsel.

5 (3) A description of any staffing shortfalls in  
6 the Special Victims' Counsel program or other pro-  
7 grams of the Armed Force resulting from the addi-  
8 tional responsibilities required of the Special Vic-  
9 tims' Counsel program under the National Defense  
10 Authorization Act for Fiscal Year 2020.

11 (4) An explanation of the ability of Special Vic-  
12 tims' Counsel to adhere to requirement that a coun-  
13 sel respond to a request for services within 72 hours  
14 of receiving such request.

15 (5) An assessment of the feasibility of providing  
16 cross-service Special Victims' Counsel representation  
17 in instances where a Special Victims' Counsel from  
18 a different Armed Force is co-located with a victim  
19 at a remote base.

20 **SEC. 4. POLICY ON SEPARATION OF VICTIM AND ACCUSED**  
21 **AT MILITARY SERVICE ACADEMIES.**

22 (a) IN GENERAL.—The Secretary of Defense shall,  
23 in consultation with the Secretaries of the military depart-  
24 ments and the Superintendent of each military service  
25 academy, prescribe in regulations a policy under which as-

1 sociation between a cadet or midshipman of a military  
 2 service academy who is the alleged victim of a sexual as-  
 3 sault and the accused is minimized while both parties com-  
 4 plete their course of study at the academy.

5 (b) ELEMENTS.—The Secretary of Defense shall en-  
 6 sure that the policy developed under subsection (a)—

7 (1) is fair to the both the alleged victim and the  
 8 accused; and

9 (2) provides for the confidentiality of the par-  
 10 ties involved.

11 (c) MILITARY SERVICE ACADEMY DEFINED.—The  
 12 term “military service academy” means the following:

13 (1) The United States Military Academy.

14 (2) The United States Naval Academy.

15 (3) The United States Air Force Academy.

16 (4) The United States Coast Guard Academy.

17 **SEC. 5. MODIFICATION OF REPORTING AND DATA COLLEC-**  
 18 **TION ON VICTIMS OF SEXUAL OFFENSES.**

19 Section 547 of the John S. McCain National Defense  
 20 Authorization Act for Fiscal Year 2019 (Public Law 115–  
 21 232; 10 U.S.C. 1561 note) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by striking “accused of” and in-  
 25 serting “suspected of”; and

1 (ii) by striking “assault” and insert-  
2 ing “offense”;

3 (B) in paragraph (2), by striking “accused  
4 of” and inserting “suspected of”; and

5 (C) in paragraph (3)—

6 (i) by striking “assaults” and insert-  
7 ing “offenses”; and

8 (ii) by striking “an accusation” and  
9 inserting “suspicion of”;

10 (2) by redesignating subsection (b) as sub-  
11 section (c);

12 (3) by inserting after subsection (b) the fol-  
13 lowing new subsection:

14 “(b) GUIDANCE REQUIRED.—The Secretary of De-  
15 fense shall issue guidance to ensure the uniformity of the  
16 data collected by each Armed Force for purposes of sub-  
17 section (a). At a minimum, such guidance shall estab-  
18 lish—

19 “(1) standardized methods for the collection of  
20 the data required to be reported under such sub-  
21 section; and

22 “(2) standardized definitions for the terms ‘sex-  
23 ual offense’, ‘collateral misconduct’, and ‘adverse ac-  
24 tion’.”; and

1           (4) by amending subsection (c), as so redesign-  
 2           nated, to read as follows:

3           “(c) DEFINITIONS.—In this section:

4           “(1) The term ‘covered individual’ means an in-  
 5           dividual who is identified in the case files of a mili-  
 6           tary criminal investigative organization as a victim  
 7           of a sexual offense that occurred while that indi-  
 8           vidual was serving on active duty as a member of  
 9           the Armed Forces.

10          “(2) The term ‘suspected of’, when used with  
 11          respect to a covered individual suspected of collateral  
 12          misconduct or crimes as described in subsection (a),  
 13          means that an investigation by a military criminal  
 14          investigative organization reveals facts and cir-  
 15          cumstances that would lead a reasonable person to  
 16          believe that the individual committed an offense  
 17          under chapter 47 of title 10, United States Code  
 18          (the Uniform Code of Military Justice).”.

19 **SEC. 6. GUARDIAN AD LITEM PROGRAM FOR MINOR DE-**  
 20 **PENDENTS OF MEMBERS OF THE ARMED**  
 21 **FORCES.**

22          Section 540L(b)(1) of the National Defense Author-  
 23          ization Act for Fiscal Year 2020 (Public Law 116–92; 133  
 24          Stat. 1373) is amended by adding before the period at  
 25          the end the following: “, including an assessment of the

- 1 feasibility and advisability of establishing a guardian ad
- 2 litem program for military dependents living outside the
- 3 United States”.

