

- (1) the military judge's determination, under Rule 104(a), on a preliminary question of fact governing admissibility;
- (2) pretrial investigations under Article 32;
- (3) proceedings for vacation of suspension of sentence under Article 72; and
- (4) miscellaneous actions and proceedings related to search authorizations, pretrial restraint, pretrial confinement, or other proceedings authorized under the Uniform Code of Military Justice or this Manual that are not listed in subdivision (a).

Rule 1102. Amendments

(a) *General Rule.* Amendments to the Federal Rules of Evidence – other than Articles III and V – will amend parallel provisions of the Military Rules of Evidence by operation of law 18 months after the effective date of such amendments, unless action to the contrary is taken by the President.

(b) *Rules Determined Not to Apply.* The President has determined that the following Federal Rules of Evidence do not apply to the Military Rules of Evidence: Rules 301, 302, 415, and 902(12).

Rule 1103. Title

These rules may be cited as the Military Rules of Evidence.

Sec. 2. Part IV of the Manual for Courts-Martial, United States, is amended as follows:

(a) Paragraph 45, Article 120, Rape and sexual assault generally, subparagraph e is amended to read as follows:

“e. *Maximum punishment.*

- (1) *Rape.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.
- (2) *Sexual assault.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 30 years.
- (3) *Aggravated sexual contact.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.
- (4) *Abusive sexual contact.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.”

(b) Paragraph 45b, Article 120b, Rape and sexual assault of a child, is amended by inserting the following new subparagraph e:

“e. *Maximum punishment.*

- (1) *Rape of a child.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.
- (2) *Sexual assault of a child.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 30 years.
- (3) *Sexual abuse of a child.*
 - (a) *Cases involving sexual contact.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(b) *Other cases.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 15 years.”

(c) Paragraph 45c, Article 120c, Other sexual misconduct, is amended by inserting the following new subparagraph e:

“e. *Maximum punishment.*

(1) *Indecent viewing.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(2) *Indecent visual recording.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

(3) *Broadcasting or distribution of an indecent visual recording.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.

(4) *Forcible pandering.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 12 years.

(5) *Indecent exposure.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.”