

(3) *Written waiver.* A crime victim may expressly waive, in writing, the right to submit a statement under this rule. Once filed, such waiver may not be revoked."

(p) R.C.M. 1106(a) is amended to read as follows:

"(a) *In general.* Before the convening authority takes action under R.C.M. 1107 on a record of trial by general court-martial, on a record of trial by special court-martial that includes a sentence to a bad-conduct discharge or confinement for one year, or on a record of trial by special court-martial in which a victim is entitled to submit a statement pursuant to R.C.M. 1105A, that convening authority's staff judge advocate or legal officer shall, except as provided in subsection (c) of this rule, forward to the convening authority a recommendation under this rule."

(q) R.C.M. 1106(d)(3) is amended to read as follows:

"(3) *Required contents.* Except as provided in subsection (e), the staff judge advocate or legal advisor shall provide the convening authority with a copy of the report of results of the trial, setting forth the findings, sentence, and confinement credit to be applied; a copy or summary of the pretrial agreement, if any; a copy of any statement submitted by a crime victim pursuant to R.C.M. 1105A; any recommendation for clemency by the sentencing authority made in conjunction with the

announced sentence; and the staff judge advocate's concise recommendation."

(r) R.C.M. 1106(f) and (f)(1) are amended to read as follows:

*"(f) Service of recommendation on defense counsel, accused, and victim; defense response.*

*(1) Service of recommendation on defense counsel, accused, and victim.* Before forwarding the recommendation and the record of trial to the convening authority for action under R.C.M. 1107, the staff judge advocate or legal officer shall cause a copy of the recommendation to be served on the counsel for the accused. A separate copy will be served on the accused. If it is impracticable to serve the recommendation on the accused for reasons including the transfer of the accused to a different place, the unauthorized absence of the accused, or military exigency, or if the accused so requests on the record at the court-martial or in writing, the accused's copy shall be forwarded to the accused's defense counsel. A statement shall be attached to the record explaining why the accused was not served personally. If the accused was found guilty of any offense that resulted in direct physical, emotional, or pecuniary harm to a victim or victims, a separate copy of the recommendation will be served on that victim or those victims. When a victim is under 18 years of age, incompetent, incapacitated, deceased, or otherwise unavailable, service shall be made on one of the