

following (in order of precedence): the victim's attorney, spouse, legal guardian, parent, child, sibling, or similarly situated family member. For a victim that is an institutional entity, service shall be made on an authorized representative of the entity.

(s) R.C.M. 1106(f)(4) is amended to read as follows:

"(4) *Response.* Counsel for the accused may submit, in writing, corrections or rebuttal to any matter in the recommendation and its enclosures believed to be erroneous, inadequate, or misleading, and may comment on any other matter."

(t) R.C.M. 1107(b)(3)(A) is amended by inserting new subsection (iv) immediately after R.C.M. 1107(b)(3)(A)(iii) as follows:

"(iv) Any statement submitted by a crime victim pursuant to R.C.M. 1105A."

(u) R.C.M. 1107(b)(3) is amended by inserting new subsection (C) immediately after R.C.M. 1107(b)(3)(B)(iii) as follows:

"(C) *Prohibited matters.* The convening authority shall not consider any matters that relate to the character of a victim unless such matters were presented as evidence at trial and not excluded at trial."

(v) R.C.M. 1306(a) is amended to read as follows:

"(a) *Matters submitted.*

(1) *By a crime victim.* After a sentence is adjudged, a crime victim may submit a written statement to the convening

authority in accordance with R.C.M. 1105A. A statement submitted by a crime victim shall be immediately served on the accused.

(2) *By the accused.* After a sentence is adjudged, the accused may submit written matters to the convening authority in accordance with R.C.M. 1105."

Sec. 2. The Discussion to Part II of the Manual for Courts-Martial, United States, is amended as follows:

(a) The Discussion immediately following R.C.M. 306(b) is amended to read as follows:

"The disposition decision is one of the most important and difficult decisions facing a commander. Many factors must be taken into consideration and balanced, including, to the extent practicable, the nature of the offenses, any mitigating or extenuating circumstances, the views of the victim as to disposition, any recommendations made by subordinate commanders, the interest of justice, military exigencies, and the effect of the decision on the accused and the command. The goal should be a disposition that is warranted, appropriate, and fair.

In deciding how an offense should be disposed of, factors the commander should consider, to the extent they are known, include:

(A) the nature of and circumstances surrounding the offense and the extent of the harm caused by the offense, including the