

““New matter” includes discussion of the effect of new decisions on issues in the case, matter from outside the record of trial, and issues not previously discussed. “New matter” does not ordinarily include any discussion by the staff judge advocate or legal officer of the correctness of the initial defense comments on the recommendation. The method of service and the form of the proof of service are not prescribed and may be by any appropriate means. See R.C.M. 1103(b)(3)(G). For example, a certificate of service, attached to the record of trial, would be appropriate when the accused is served personally. If a victim statement, submitted under R.C.M. 1105A, is served on the accused prior to service of the recommendation, then that statement shall not be considered a “new matter” when it is again served on the accused as an enclosure to the recommendation.”

Sec. 3. Appendix 21 of the Manual for Courts-Martial, United States, Analysis of Rules for Courts-Martial, is amended as follows:

R.C.M. 1107, after the paragraph beginning with the words “Subsection (3)(A)(i),” insert the following language:

“*2014 Amendment.* The prohibition against considering matters that relate to the character of a victim expands upon the prohibition against considering “submitted” matters that is

set forth in section 1706(b) of the National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66, 127 Stat. 961 (2013). This revision does not incorporate the word "submitted" from section 1706(b), in order to afford greater protection to the victim by prohibiting convening authority consideration of any evidence of a victim's character not admitted into evidence at trial, no matter the source."