

(1) Military Rules of Evidence 301, 302, 303, 305, and Section V shall apply in their entirety.

(2) Military Rule of Evidence 412 shall apply in any case defined as a sexual offense in Mil. R. Evid. 412(d).

(3) In applying these rules to a pretrial investigation, the term "military judge," as used in these rules, shall mean the investigating officer, who shall assume the military judge's powers to exclude evidence from the pretrial investigation, and who shall, in discharging this duty, follow the procedures set forth in the rules cited in paragraphs (1) and (2)."

(g) R.C.M. 703(e)(2)(B) is amended to read as follows:

"(B) *Contents.* A subpoena shall state the command by which the proceeding is directed, and the title, if any, of the proceeding. A subpoena shall command each person to whom it is directed to attend and give testimony at the time and place specified therein. A subpoena may also command the person to whom it is directed to produce books, papers, documents, data, or other objects or electronically stored information designated therein at the proceeding or at an earlier time for inspection by the parties. A subpoena issued for an investigation pursuant to Article 32 shall not command any person to attend or give testimony at an Article 32 investigation."

(h) R.C.M. 703(e)(2)(C) is amended to read as follows:

“(C) *Who may issue.*

(1) A subpoena to secure evidence may be issued by:

(a) the summary court-martial;

(b) detailed counsel representing the United States at an Article 32 investigation;

(c) the investigating officer appointed under R.C.M. 405(d)(1);

(d) after referral to a court-martial, detailed trial counsel;

(e) the president of a court of inquiry; or

(f) an officer detailed to take a deposition.

(2) A subpoena to secure witnesses may be issued by:

(a) the summary court-martial;

(b) after referral to a court-martial, detailed trial counsel;

(c) the president of a court of inquiry; or

(d) an officer detailed to take a deposition.

(i) R.C.M. 703(e)(2)(D) is amended to read as follows:

“(D) *Service.* A subpoena may be served by the person authorized by this rule to issue it, a United States Marshal, or any other person who is not less than 18 years of age. Service shall be made by delivering a copy of the subpoena to the person named and by providing to the person named travel orders and a means for reimbursement for fees and mileage as may be