

materially altered if the victim heard other testimony at that hearing or proceeding. The right to attend requires reasonable, accurate, and timely notice of a court-martial relating to the offense.”

(v) A new R.C.M. 806(b)(3) is inserted immediately after the new R.C.M. 806(b)(2) and reads as follows:

“(3) *Right of victim to confer.* A victim of an alleged offense committed by the accused has the reasonable right to confer with the trial counsel.”

(w) R.C.M. 806(b)(2) is renumbered as R.C.M. 806(b)(4).

(x) R.C.M. 906(b)(8) is amended to read as follows:

“(8) *Relief from pretrial confinement.* Upon a motion for release from pretrial confinement, a victim of an alleged offense committed by the accused has the right to reasonable, accurate, and timely notice of the motion and any hearing, the right to confer with trial counsel, and the right to be reasonably heard. Inability to reasonably afford a victim these rights shall not delay the proceedings. The right to be heard under this rule includes the right to be heard through counsel.”

(y) R.C.M. 912(i)(3) is amended to read as follows:

“(3) *Preliminary hearing officer.* For purposes of this rule, “preliminary hearing officer” includes any person who has examined charges under R.C.M. 405 and any person who was counsel for a member of a court of inquiry, or otherwise personally has conducted an investigation of the general matter involving the offenses charged.”

(z) R.C.M. 1001(a)(1)(B) is amended to read as follows:

“(B) Victim’s right to be reasonably heard. *See* R.C.M. 1001A.”

(aa) R.C.M. 1001(a)(1)(C)–(G) are amended to read as follows:

“(C) Presentation by the defense of evidence in extenuation or mitigation or both.

(D) Rebuttal.

(E) Argument by trial counsel on sentence.

(F) Argument by defense counsel on sentence.

(G) Rebuttal arguments in the discretion of the military judge.”

(bb) A new rule, R.C.M. 1001A, is inserted immediately after R.C.M. 1001(g) and reads as follows:

“Rule 1001A. Crime victims and presentencing

(a) *In general.* A crime victim of an offense of which the accused has been found guilty has the right to be reasonably heard at a sentencing hearing relating to that offense. A victim under this rule is not considered a witness for purposes of Article 42(b). Trial counsel shall ensure the victim is aware of the opportunity to exercise that right. If the victim exercises the right to be reasonably heard, the victim shall be called by the court-martial. This right is independent of whether the victim testified during findings or is called to testify under R.C.M. 1001.

(b) *Definitions.*

(1) *Crime victim.* For purposes of this rule, a “crime victim” is an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense of which the accused was found guilty.

(2) *Victim Impact.* For the purposes of this rule, “victim impact” includes any financial, social, psychological, or medical impact on the victim directly relating to or arising from the offense of which the accused has been found guilty.

(3) *Mitigation.* For the purposes of this rule, “mitigation” includes a matter to lessen the punishment to be adjudged by the court-martial or to furnish grounds for a recommendation of clemency.

(4) *Right to be reasonably heard.*