

or more victims.

In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20 _____, conspire with _____ (and _____) to commit an offense under the law of war, to wit: (murder of _____), and in order to effect the object of the conspiracy the said _____ knowingly did _____ resulting in the death of _____.”

(e) Paragraph 16, Article 92 – Failure to obey order or regulation, is amended by inserting after subparagraph b.(3)(c) a new Note and a new subparagraph b.(3)(d) as follows:

“[Note: In cases where the dereliction of duty resulted in death or grievous bodily harm, add the following as applicable]

(d) That such dereliction of duty resulted in death or grievous bodily harm to a person other than the accused.”

(f) Paragraph 16, Article 92 – Failure to obey order or regulation, is amended by inserting new subparagraphs c.(3)(e) and (f) immediately after Paragraph 16c.(3)(d) and read as follows:

“(e) Grievous bodily harm. “Grievous bodily harm” means serious bodily injury. It does not include minor injuries, such as a black eye or a bloody nose, but does include fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other serious bodily injuries.

(f) Where the dereliction of duty resulted in death or grievous bodily harm, an intent to cause death or grievous bodily harm is not required.”

(g) Paragraph 16, Article 92 – Failure to obey order or regulation, is amended by renumbering the existing subparagraph e.(3)(B) as subparagraph e.(3)(C), inserting new subparagraph e.(3)(B), inserting a new subparagraph e.(3)(D), and inserting a new note following subparagraph

e.(3)(D) as follows:

“(B) *Through neglect or culpable inefficiency resulting in death or grievous bodily harm.*

Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 18 months.

(C) *Willful.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

(D) *Willful dereliction of duty resulting in death or grievous bodily harm.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years.”

[Note: For (1) and (2) above, the punishment set forth does not apply in the following cases: if, in the absence of the order or regulation that was violated or not obeyed, the accused would on the same facts be subject to conviction for another specific offense for which a lesser punishment is prescribed; or if the violation or failure to obey is a breach of restraint imposed as a result of an order. In these instances, the maximum punishment is that specifically prescribed elsewhere for that particular offense.]

(h) Paragraph 16, Article 92 – Failure to obey order or regulation, subparagraph f.(4) is amended to read as follows:

“(4) *Dereliction in the performance of duties.*

In that, _____ (personal jurisdiction data), who (knew) (should have known) of his/her duties (at/on board—location) (subject-matter jurisdiction data, if required), (on or about ____ 20 __) (from about ____ 20 __ to about ____ 20 __), was derelict in the performance of those duties in that he/she (negligently) (willfully) (by culpable inefficiency) failed _____, as it was his/her duty to do (, and that such dereliction of duty resulted in (grievous bodily harm, to wit: (broken leg) (deep cut) (fractured skull) to) (the death of) _____).”

(i) Paragraph 17, Article 93 – Cruelty and maltreatment, subparagraph e is amended to read as