

Secretary concerned, a special trial counsel may detail other trial counsel who are judge advocates. In a capital case, counsel learned in the law applicable to such cases under R.C.M. 502(d)(2)(C) shall be assigned in accordance with regulations of the Secretary concerned.”

**(oo) R.C.M. 504(b)(1) is amended to read as follows:**

“(1) *General courts-martial.* Unless otherwise limited by superior competent authority, general courts-martial may be convened by persons occupying positions designated in Article 22(a) and by any commander designated by the Secretary concerned or empowered by the President. A commanding officer shall not be considered an accuser solely due to the role of the commanding officer in convening a special or general court-martial to which charges and specifications were referred by a special trial counsel.”

**(pp) R.C.M. 504(b)(2)(B)(i) is amended to read as follows:**

“(i) In the Army, Air Force, or Space Force, by the officer exercising general court-martial jurisdiction over the command; or”.

**(qq) R.C.M. 505(c)(1)(A) is amended to read as follows:**

“(A) *By convening authority.* Before the court-martial is assembled, the convening authority may change the members detailed to the court-martial without showing cause. New members shall be detailed in accordance with R.C.M. 503(a).”

**(rr) R.C.M. 505(c)(2)(B) is amended to read as follows:**

“(B) *New members.* In accordance with R.C.M. 503(a), new members may be detailed after assembly only when, as a result of excusals under R.C.M. 505(c)(2)(A), the number of members of the court-martial is reduced below the number of members required under R.C.M. 501(a), or the number of enlisted members, when the accused has made a timely written request for enlisted members, is reduced below one-third of the total membership.”

**(ss) R.C.M. 601 is amended to read as follows:**

**“Rule 601. Referral**

(a) *In general.* Referral is the order of a convening authority or a special trial counsel that one or more charges and specifications against an accused will be tried by a specified court-martial.

(b) *Who may refer.*

(1) Except as provided in R.C.M. 601(b)(2), any convening authority may refer charges to a court-martial convened by that convening authority or a predecessor, unless the power to do so has been withheld by superior competent authority.

(2) For charges over which a special trial counsel has exercised authority and has not deferred, only a special trial counsel may refer charges to a court-martial.

(c) *Disqualification.*

(1) Except as provided in R.C.M. 601(c)(2), an accuser may not refer charges to a general or special court-martial.

(2) A special trial counsel shall not be disqualified from referring charges to a general or special court-martial as a result of having preferred charges or having caused charges to be preferred.

(d) *When charges may be referred.*

(1) *Basis for referral.*

(A) Except as provided in R.C.M. 601(d)(1)(B), if the convening authority finds or is advised by a judge advocate that there is probable cause to believe that an offense triable by a court-martial has been committed and that the accused committed it, and that the specification alleges an offense, the convening authority may refer it. The finding may be based on hearsay in whole or in part. The convening authority or judge advocate may consider information from any