

(c) Except as provided in R.C.M. 925(b):

(1) If convicted of any offense committed on or before December 27, 2023, the accused shall be sentenced in accordance with the Rules for Courts-Martial in effect prior to December 28, 2023. The military judge shall inquire into the accused's election of sentencing rules after the announcement of findings and before any matter is presented in the presentencing phase.

(2) If convicted of only offenses committed after December 27, 2023, the accused shall be sentenced by a military judge in accordance with R.C.M. 1002(a)(2).

(d) Any elections made by the accused pursuant to R.C.M. 925(c)(1) shall be made orally on the record or be in writing and signed by the accused. The military judge shall ascertain whether the accused has consulted with defense counsel and has been informed of the right to make the election of the applicable sentencing rules.”

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

“(1) *Procedure.* After findings of guilty have been announced, the Government and defense may present matters pursuant to this rule to aid the court-martial in determining an appropriate sentence. Such matters shall ordinarily be presented in the following sequence:

(A) Presentation by the trial counsel of:

(i) service data relating to the accused taken from the charge sheet;

(ii) personal data relating to the accused and of the character of the

accused's prior service as reflected in the personnel records of the accused.

(B) Crime victim's right to be reasonably heard.

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

(D) Rebuttal.

(E) Argument by the trial counsel on sentence.

(F) Argument by the defense counsel on sentence.

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

**(f) R.C.M. 1001(b)(2) is amended to read as follows:**

“(2) *Personal data and character of prior service of the accused.* Under regulations of the Secretary concerned, the trial counsel may obtain and introduce from the personnel records of the accused evidence of the accused’s marital status; number of dependents, if any; and character of prior service. Such evidence includes copies of reports reflecting the past military efficiency, conduct, performance, and history of the accused and evidence of any disciplinary actions, including punishments under Article 15 and summary courts-martial after review has been completed pursuant to Article 64. “Personnel records of the accused” includes any records made or maintained in accordance with departmental regulations that reflect the past military efficiency, conduct, performance, and history of the accused. If the accused objects to a particular document as inaccurate or incomplete in a specified respect, or as containing matter that is not admissible under the Military Rules of Evidence, the matter shall be determined by the military judge. Objections not asserted are forfeited.”

**(g) R.C.M. 1001(b)(3)(B) is amended to read as follows:**

“(B) *Pendency of appeal.* The pendency of an appeal therefrom does not render evidence of a conviction inadmissible. Evidence of the pendency of an appeal is admissible.”

**(h) R.C.M. 1001(b)(4) is amended to read as follows:**

“(4) *Evidence in aggravation.* The trial counsel may present evidence as to any aggravating circumstance directly relating to or resulting from the offenses of which the accused has been found guilty. Evidence in aggravation includes, but is not limited to, evidence of financial, social, psychological, and medical impact on or cost to any person or entity who was