

(B) if the sentence of the court-martial appears to be illegal, the special trial counsel shall make a binding determination that the convening authority shall return the matter to the court-martial for correction.

(e) *Limitation.* A military judge may reconsider a sentence once announced only under the circumstances described in R.C.M. 1005(b).”

(s) R.C.M. 1006 is amended to read as follows.

“Rule 1006. [Reserved]”.

(t) R.C.M. 1007(b)(1) is amended to read as follows:

“(1) In a capital case, the determination of the members shall be announced by the military judge. If the members voted unanimously for death, the military judge shall announce which aggravating factor or factors under R.C.M. 1004(c) the members unanimously found to exist beyond a reasonable doubt.”

(u) R.C.M. 1008 is amended to read as follows:

“Rule 1008. Impeachment of sentence in noncapital cases

A sentence that is proper on its face may be impeached only when extraneous prejudicial information was improperly brought to the attention of the military judge, outside influence was improperly brought to bear upon the military judge, or unlawful command influence was brought to bear upon the military judge.”

(v) R.C.M. 1009 is amended to read as follows:

“Rule 1009. [Reserved]”.

(w) R.C.M. 1112(b) is amended to read as follows:

(b) *Contents of the record of trial.* The record of trial contains the court-martial proceedings and includes any evidence or exhibits considered by the court-martial in determining the findings or sentence. The record of trial in every general and special court-martial shall include:

- (1) A substantially verbatim recording of the court-martial proceedings except sessions closed for deliberations and voting;
- (2) The original charge sheet or a duplicate;
- (3) A copy of the convening order and any amending order;
- (4) The request, if any, for trial by military judge alone; the accused's election, if any, of members under R.C.M. 903; and, when applicable, any statement by the convening authority required under R.C.M. 503(a)(2);
- (5) Exhibits, or, if permitted by the military judge, copies, photographs, or descriptions of any exhibits that were received in evidence and any appellate exhibits;
- (6) The Statement of Trial Results;
- (7) Any action by the convening authority under R.C.M. 1109 or 1110; and
- (8) The judgment entered into the record by the military judge.”

(x) R.C.M. 1117 is amended to read as follows:

“Rule 1117. Appeal of sentence by the United States

(a) *In general.* With the approval of the Judge Advocate General concerned, the Government may appeal a sentence announced under R.C.M. 1007 to the Court of Criminal Appeals on the grounds that—

- (1) The sentence violates the law;
- (2) The sentence is a result of an incorrect application of sentencing parameters or criteria established under Article 56(c); or