

martial;

(B) a limitation on the minimum punishment that can be imposed by the court-

martial;

(C) limitations on the maximum and minimum punishments that can be imposed

by the court-martial; or,

(D) a specified sentence or portion of a sentence that shall be imposed by the

court-martial.”

**(q) R.C.M. 706(b)(1) is amended to read as follows:**

“(1) *Before referral.* Before referral of charges, an inquiry into the mental capacity or mental responsibility of the accused may be ordered by the convening authority before whom the charges are pending for disposition, or by a military judge or magistrate in a proceeding conducted in accordance with R.C.M. 309.”

**(r) R.C.M. 706(c)(3)(A) is amended to read as follows:**

“(A) That upon completion of the board’s investigation, a statement consisting only of the board’s ultimate conclusions as to all questions specified in the order shall be submitted to the officer ordering the examination, the accused’s commanding officer, the preliminary hearing officer, if any, appointed pursuant to Article 32, and to all government and defense counsel in the case, the convening authority, and, after referral, to the military judge.”

**(s) R.C.M. 707(c)(1) is amended to read as follows:**

“(1) *Procedure.* Prior to referral, all requests for pretrial delay, together with supporting reasons, will be submitted to the convening authority for resolution. After referral, such requests for pretrial delay will be submitted to the military judge for resolution.”

**(t) R.C.M. 707(e) is amended to read as follows:**

“(e) *Waiver*. Except as provided in R.C.M. 910(a)(2), a plea of guilty that results in a finding of guilty waives any speedy trial issue under this rule as to that offense.”

**(u) R.C.M. 804(b) is amended to read as follows:**

“(b) *Presence by remote means*.

(1) The military judge may order the use of audiovisual technology, such as video teleconferencing technology, between the parties and the military judge for purposes of Article 39(a) sessions, subject to the limitations in paragraph (2) of this rule. Use of such audiovisual technology will satisfy the “presence” requirement of the accused only when the accused has a defense counsel physically present at the accused’s location or when the accused consents to presence by remote means with the opportunity for confidential consultation with defense counsel during the proceeding. Such technology may include two or more remote sites as long as all parties can see and hear each other.

(2) The use of audiovisual technology between the parties and the military judge may be used for a plea inquiry under R.C.M. 910(d), (e), and (f) and for presentencing proceedings before a military judge under R.C.M. 1001, only when there are exceptional circumstances that interfere with the normal administration of military justice, as determined by the military judge, and with the consent of the accused. Defense counsel must be physically present at the accused’s location during an inquiry prior to the acceptance of a plea under R.C.M. 910(d), (e), and (f) and during presentencing proceedings before a military judge under R.C.M. 1001.”

**(v) R.C.M. 813(a) through (d) are amended to read as follows:**

“(a) *Opening sessions*. Except as noted in subsection (d), when the court-martial is called to order for the first time in a case, the military judge shall ensure that the following is announced:

(1) The order, including any amendment, by which the court is convened;