

this rule. Only a military judge may issue a warrant for wire or electronic communications under this rule. An otherwise impartial authorizing official does not lose impartiality merely because the official is present at the scene of a search or is otherwise readily available to persons who may seek the issuance of a search authorization; nor does such an official lose impartial character merely because the official previously and impartially authorized investigative activities when such previous authorization is similar in intent or function to a pretrial authorization made by the United States district courts.

(1) *Commander*. A commander or other person serving in a position designated by the Secretary concerned as either a position analogous to an officer in charge or a position of command, who has control over the place where the property or person to be searched is situated or found, or, if that place is not under military control, having control over persons subject to military law or the law of war;

(2) *Military Judge or Magistrate*. A military judge or magistrate if authorized under regulations prescribed by the Secretary of Defense or the Secretary concerned; or

(3) *Other competent search authority*. A competent, impartial official as designated under regulations by the Secretary of Defense or the Secretary concerned as an individual authorized to issue search authorizations under this rule.”

(f) Mil. R. Evid. 404(b) is amended to read as follows:

“(b) *Other Crimes, Wrongs, or Acts*.

(1) *Prohibited Uses*. Evidence of any other crime, wrong, or act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.

(2) *Permitted Uses*. This evidence may be admissible for another purpose, such as proving

motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

(3) *Notice in a Criminal Case.* In a criminal case, the trial counsel must:

(A) provide reasonable notice of any such evidence that the trial counsel intends to offer at trial, so the accused has a fair opportunity to meet it;

(B) articulate in the notice the permitted purpose for which the trial counsel intends to offer the evidence and the reasoning that supports the purpose; and

(C) do so in writing before trial—or in any form during trial if the court, for good cause, excuses lack of pretrial notice.”

(g) **Mil. R. Evid. 503 is amended to read as follows:**

“Rule 503. Communications to clergy

(a) *General Rule.* A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a clergy member or to a clergy member’s assistant, if such communication is made either as a formal act of religion or as a matter of conscience.

(b) *Definitions.* As used in this rule:

(1) “Clergy member” means a minister, priest, rabbi, imam, chaplain, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting the clergy member.

(2) “Clergy member’s assistant” means a person employed or assigned to assist a clergy member in the clergy member’s capacity as a spiritual advisor.

(3) A communication is “confidential” if made to a clergy member in the clergy member’s capacity as a spiritual advisor or to a clergy member’s assistant in the assistant’s