

(a) *Assault with intent to commit murder, rape, or rape of a child.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(b) *Assault with intent to commit voluntary manslaughter, robbery, arson, burglary, kidnapping, sexual assault, or sexual assault of a child.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years.”

(q) Paragraph 78. is amended by deleting:

“[NOTE: For Article 128b, UCMJ, Domestic Violence, added as part of the FY19 National Defense Authorization Act, *See* Appendix 2, Article 128b, UCMJ]”

(r) Paragraph 89.c.(2) is amended to read as follows:

“(2) *Personnel action.* For purposes of this offense, “personnel action” means—

(a) any action taken on a Servicemember that affects, or has the potential to affect, that Servicemember’s current position or career, including promotion; disciplinary or other corrective action; transfer or reassignment; performance evaluations; decisions concerning pay, benefits, awards, or training; relief and removal; separation; discharge; referral for mental health evaluations; and any other personnel actions as defined by law or regulation, such as 5 U.S.C. § 2302 and DoD Directive 7050.06 (17 April 2015); or,

(b) any action taken on a civilian employee that affects, or has the potential to affect, that person’s current position or career, including promotion; disciplinary or other corrective action; transfer or reassignment; performance evaluations; decisions concerning pay, benefits, awards, or training; relief and removal; discharge; and any other personnel actions as defined by law or regulation such as 5 U.S.C. § 2302.”

(s) The title of Paragraph 90 is amended to read as follows:

“90. Article 133 (10 U.S.C. 933)—Conduct unbecoming an officer”

(t) Paragraph 90.a. is amended to read as follows:

“a. Text of statute.

Any commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer shall be punished as a court-martial may direct.”

(u) Paragraph 90.b. is amended to read as follows:

“b. Elements.

(1) That the accused was a commissioned officer, cadet, or midshipman;

(2) That the accused did or omitted to do certain acts; and

(3) That, under the circumstances, these acts or omissions constituted conduct

unbecoming an officer.”

(v) Paragraph 90.c. is amended to read as follows:

“c. Explanation.

(1) *Officership generally.* As used in the phrase “conduct unbecoming an officer” in this article, “officer” refers to a “commissioned officer, cadet, or midshipman.”

(2) *Nature of the offense.* The focus of this article is conduct that is likely to seriously compromise the accused’s standing as an officer. A military officer holds a particular position of responsibility in the armed forces, and one critically important responsibility of a military officer is to inspire the trust and respect of the personnel who must obey the officer’s orders. Conduct violative of this article is action or behavior in an official capacity that, in dishonoring or disgracing the person as an officer, seriously compromises the officer’s character, or action or behavior in an unofficial or private capacity that, in dishonoring or disgracing the officer personally, seriously compromises the person’s standing as an officer. This article includes misconduct that approximates, but may not meet every element of, another enumerated offense.