

offense for the misconduct committed. The Act applies to state laws validly existing at the time of the offense without regard to when these laws were enacted, whether before or after passage of the Act, and whether before or after the acquisition of the land where the offense was committed. For example, if a person committed an act on a military installation in the United States at a certain location over which the United States had either exclusive or concurrent jurisdiction, and it was not an offense specifically defined by federal law (including the UCMJ), that person could be punished for that act by a court-martial if it was a violation of a noncapital offense under the law of the State where the military installation was located. This is possible because the Act adopts the criminal law of the State wherein the military installation is located and applies it as though it were federal law. As amended, the Act provides that: “Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.”

Section 4. Part V of the Manual for Courts-Martial, United States, is amended as follows:

(a) Paragraph 1.f.(4) is amended to read as follows:

“(4) *Statute of limitations.* Except as provided in Article 43(c) and (d), nonjudicial punishment may not be imposed for offenses which were committed more than 2 years before the date of imposition, unless knowingly and voluntarily waived by the member. *See* Article 43(b)(3).”

(b) Paragraph 1.h. is amended to read as follows:

“h. Applicable standards. The burden of proof to be utilized by commanders throughout the nonjudicial punishment process shall be a preponderance of the evidence.”

(c) A new paragraph 1.j. is inserted immediately after paragraph 1.i. to read as follows:

“j. *Service regulations and procedures.* Unless otherwise provided, the Service regulations and procedures of the Servicemember shall apply.

(d) Paragraph 4.c.(4) is amended to read as follows:

“(4) Decision. After considering all relevant matters presented by a preponderance of the evidence standard, if the nonjudicial punishment authority—

(A) does not conclude that the Servicemember committed the offenses alleged, the nonjudicial punishment authority shall so inform the member and terminate the proceedings;

(B) concludes that the Servicemember committed one or more of the offenses alleged, the nonjudicial punishment authority shall:

(i) so inform the Servicemember;

(ii) inform the Servicemember of the punishment imposed; and

(iii) inform the Servicemember of the right to appeal (see paragraph 7 of

this Part).”