

The Manual shall be identified by the year in which it was printed; for example, “Manual for Courts-Martial, United States (20xx edition).” Any amendments to the Manual made by Executive Order shall be identified as “20xx” Amendments to the Manual for Courts-Martial, United States, “20xx” being the year the Executive Order was signed.

The DoD-Joint Service Committee on Military Justice (JSC) reviews the Manual for Courts-Martial and proposes amendments to the DoD-for consideration by the President on an annual basis. In conducting its annual review, the JSC is guided by DoD Instruction 5500.17, “Role and Responsibilities of the Joint Service Committee on Military Justice (JSC).” DoD Instruction 5500.17 includes provisions allowing public participation in the annual review process.”

**(c) A new paragraph 4 is inserted immediately after paragraph 3 to read as follows:**

**“4. The Evolving Military Justice System**

The military operates a modern criminal justice system that recognizes and protects the rights of both the victims of alleged offenses and those accused of offenses. The continuous evolution of the military justice system has progressed through statutes, Executive Orders, regulations, and judicial interpretations. The Uniform Code of Military Justice (UCMJ), enacted in 1950, significantly enhanced the fairness of military justice across the armed forces, including by establishing a civilian appellate court at the system’s apex. The Military Justice Act of 1968, which created the position of military judge and enhanced the role of lawyers in the system, resulted in further improvements. The promulgation of the Military Rules of Evidence by a 1980 Executive Order brought court-martial practice into closer alignment with federal civilian criminal practice. In 2014, Congress added a victims’ rights article to the UCMJ and also made counsel available to represent certain victims of alleged UCMJ offenses. The Military Justice Act

of 2016 further modernized the military justice system by expanding pretrial judicial authorities, updating trial and post-trial procedures, and enacting new punitive articles. Most recently, the National Defense Authorization Act for Fiscal Year 2022 made historic reforms to the military justice system, including the unprecedented transfer of prosecutorial discretion from commanders to independent, specialized counsel to prosecute certain covered offenses, including sexual assault and domestic violence, as recommended by the Independent Review Commission on Sexual Assault in the Military to strengthen Service members' trust in the military justice system. These and many other improvements have been vital to maintaining a fair, just, and efficient military justice system. The system must continue to evolve to be worthy of those who protect our Nation and its freedoms.”

**Section 2. Part II of the Manual for Courts-Martial, United States, is amended as follows:**

**(a) R.C.M. 103 is amended to read as follows:**

**“Rule 103. Definitions and rules of construction**

The following definitions and rules of construction apply throughout this Manual, unless otherwise expressly provided.

(1) “Appellate military judge” means a judge of a Court of Criminal Appeals.

(2) “Article” refers to articles of the Uniform Code of Military Justice unless the context indicates otherwise.

(3) “Capital case” means a general court-martial to which a capital offense has been referred with an instruction that the case be treated as a capital proceeding, and, in the case of a rehearing or new or other trial, for which offense death remains an authorized punishment under R.C.M. 810(d).