

order that one or more charges and specifications against an accused be tried by a specified court-martial pursuant to R.C.M. 601.

(24) “Special trial counsel” means a judge advocate who is qualified, certified, and assigned as such by the Judge Advocate General of the armed force of which the officer is a member, or, in the case of the Marine Corps, by the Staff Judge Advocate to the Commandant of the Marine Corps, and who is independent of the military chains of command of both the victim and those accused of covered offenses over which a special trial counsel at any time exercises authority in accordance with Article 24a. Special trial counsel shall be well-trained, experienced, highly skilled and competent in handling cases involving covered offenses. Within the Department of Defense, special trial counsel work within dedicated offices under the overall supervision and oversight of a Lead Special Trial Counsel. Within the Coast Guard, special trial counsel work under the overall supervision and oversight of an officer designated under regulations prescribed by the Commandant of the Coast Guard.

(25) “Staff judge advocate” means a judge advocate so designated in the Army, Air Force, or Marine Corps, and means the principal legal advisor of a command in the Navy and Coast Guard who is a judge advocate.

(26) “*Sua sponte*” means that the person involved acts on that person’s initiative, without the need for a request, motion, or application.

(27) “Trial counsel,” unless otherwise specified in these rules, includes special trial counsel.

(28) “UCMJ” refers to the Uniform Code of Military Justice.

(29) “War, time of.” For purposes of R.C.M. 1004(c)(6) and of implementing the applicable paragraphs of Parts IV and V of this Manual only, “time of war” means a period of

war declared by Congress, or the factual determination by the President that the existence of hostilities warrants a finding that a “time of war” exists for purposes of R.C.M. 1004(c)(6) and Parts IV and V of this Manual.

(30) The terms “writings” and “recordings” have the same meaning as in Mil. R. Evid. 1001.

(31) The definitions and rules of construction in 1 U.S.C. §§ 1 through 5 and in 10 U.S.C. §§ 101 and 801.”

**(b) R.C.M. 104(b)(2) is amended to read as follows:**

“(2) *All persons subject to the UCMJ.* No person subject to the UCMJ may attempt to coerce or, by any unauthorized means, attempt to influence the action of:

(A) a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case or the action of any case; or

(B) any preliminary hearing officer or convening, referral, approving, or reviewing authority with respect to such preliminary hearing officer’s or authority’s acts concerning the following:

- (i) any decision to place a service member into pretrial confinement;
- (ii) disposition decisions;
- (iii) rulings on pre-referral matters;
- (iv) findings at a preliminary hearing;
- (v) convening a court-martial;
- (vi) decisions concerning plea agreements;
- (vii) selecting members;
- (viii) decisions concerning witness requests;