

49 FR 28825

Amendments to the Manual for Courts-Martial, United States, 1984

Executive Order 12484 of July 13, 1984

49 FR 28825

July 17, 1984

TEXT:

By virtue of the authority vested in me as President by the Constitution of the United States and by Chapter 47 of Title 10 of the United States Code (the Uniform Code of Military Justice), in order to prescribe amendments to the Manual for Courts-Martial, United States, 1984, prescribed by Executive Order No. 12473, it is hereby ordered as follows:

Section 1. The third paragraph of Executive Order No. 12473 is amended by inserting "12315," after "12306,".

Sec. 2. The fourth paragraph of Executive Order No. 12473 is amended by striking out "revised" and inserting in lieu thereof "reviewed".

Sec. 3. Part II of the Manual for Courts-Martial, United States, 1984, is amended as follows:

- a. The Rules for Courts-Martial are amended so that the first letter of the first word of each subparagraph that is preceded by a colon or a dash is capitalized.
- b. The subsection designation of R.C.M. 305 (*l*) is amended by striking out "*l*" and inserting in lieu thereof "*l*".
- c. R.C.M. 502(b)(2)(B) is amended by striking out the comma at the end thereof.
- d. R.C.M. 506(a) is amended by inserting a comma after "selection".
- e. R.C.M. 703(f)(3) is amended by inserting "of" after "determination".
- f. R.C.M. 901(d)(4)(B) is amended by striking out "convening authority" and inserting in lieu thereof "authority who detailed the counsel".
- g. R.C.M. 1003(b) is amended by italicizing the headings of the paragraphs and subparagraphs thereof.
- h. The third sentence of R.C.M. 1107(e)(1)(C)(ii) is amended by striking out "lesser offense" and inserting in lieu thereof "lesser included offense".

i. The second sentence of R.C.M. 1107(h) is amended by striking out "provides" and inserting in lieu thereof "provide".

j. The fourth sentence of R.C.M. 1108(b) is amended by inserting "of" after "regardless".

k. R.C.M. 1110(b)(2)(B) is amended by striking out the comma between "accused" and "upon".

l. R.C.M. 1112(f)(2) is amended by inserting a comma between "rehearing" and "but".

m. R.C.M. 1113(c)(2) is amended by striking out "Undersecretary" and inserting in lieu thereof "Under Secretary".

n. The first sentence of R.C.M. 1113(d)(2)(C) is amended by inserting a comma between "concerned" and "unless".

o. The introductory clause of R.C.M. 1201(a)(2) is amended by inserting a dash after "which".

p. R.C.M. 1201(b)(3)(C) is amended by striking "authority or unless" and inserting in lieu thereof "authority, unless".

q. R.C.M. 1209(a)(2)(A) is amended by striking out the third comma and inserting in lieu thereof a semicolon.

Sec. 4. Part III of the Manual for Courts-Martial, United States, 1984, is amended as follows:

a. Mil. R. Evid. 315(e) is amended by striking out "guard of police" and inserting in lieu thereof "guard or police".

b. Mil. R. Evid. 321(a)(2) is amended --

(1) by inserting a colon after "if" in the introductory clause; and

(2) by capitalizing the first letter of the first word in subparagraphs (A) and (B).

c. Mil. R. Evid. 601 is amended by striking out "this" and inserting in lieu thereof "these".

Sec. 5. Part IV of the Manual for Courts-Martial, United States, 1984, is amended as follows:

a. The rules governing the punitive articles are amended so that --

(1) the subparagraph headings are italicized; and

(2) The first letter of the first word after the semicolon in each Note is capitalized.

b. The sample finding of the specification accompanying paragraph 2b(3) (concerning Article 79) is amended by inserting a semicolon after the phrase "willfully and unlawfully kill".

c. Paragraph 10b(3)(d) (concerning Article 86) is amended by striking out "that" and inserting in lieu thereof "That".

d. Paragraph 42b(3) (concerning Article 117) is amended by striking out the semicolon and inserting in lieu thereof a period.

e. Paragraph 51b (concerning Article 125) is amended by redesignating subparagraphs (a), (b), and (c) as subparagraphs (1), (2), and (3) respectively.

f. The subparagraph designation for the sample specification in paragraph 68 (concerning worthless check offenses under Article 134) is amended by striking out the "d" and inserting in lieu thereof "f".

g. The sample specification in paragraph 95 (concerning misprision of a serious offense under Article 134) is amended by striking out the comma after "to about -- --".

h. The sample specification in paragraph 96 (concerning the offense of obstructing justice under Article 134) is amended by striking out "[recommend dismissal of the charges against said -- --)" and inserting in lieu thereof "[recommend dismissal of the charges against said -- --]".

Sec. 6. Part V of the Manual for Courts-Martial, United States, 1984, is amended as follows:

a. The third sentence of paragraph 2a is amended by striking out "paragraph" and inserting "subparagraph" in lieu thereof.

b. Subparagraph 4b(2) is amended by striking out "subparagraph" each time it appears and inserting "paragraph" in lieu thereof.

c. Paragraph 5b is amended by striking out "subparagraph 5d" and inserting in lieu thereof "paragraph 5d".

d. Subparagraphs 5b(1)(A), 5b(1)(B), 5b(2)(A), and 5b(2)(B) are amended so that the first letter of the first word thereof is capitalized.

e. The introductory clause of subparagraph 5b(2) is amended by inserting a dash after "command".

f. Subparagraph 5b(2)(B)(vi) is amended by striking out the semicolon and inserting a period in lieu thereof.

g. The third sentence of subparagraph 5c(1) and the first sentence of subparagraph 7f(1) are amended by striking out "part" and inserting in lieu thereof "Part".

Sec. 7. The Secretary of Defense, on behalf of the President, shall transmit a copy of this Order to the Congress of the United States in accord with Section 836 of Title 10 of the United States Code.

/s/Ronald Reagan

THE WHITE HOUSE,

July 13, 1984.

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