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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R. _____

To amend title 10, United States Code, to clarify the right of an accused to plead guilty in a trial by a military commission for a capital offense.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 10, United States Code, to clarify the right of an accused to plead guilty in a trial by a military commission for a capital offense.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Commissions
5 Guilty Plea Adjustment Act”.

1 **SEC. 2. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN A**
2 **TRIAL FOR A CAPITAL OFFENSE BY A MILI-**
3 **TARY COMMISSION.**

4 (a) CLARIFICATION OF RIGHT.—Section 949m(b)(2)
5 of title 10, United States Code, is amended—

6 (1) in subparagraph (C), by inserting before the
7 semicolon the following: “, or a guilty plea was ac-
8 cepted and not withdrawn prior to announcement of
9 the sentence in accordance with section 949i(b) of
10 this title”; and

11 (2) in subparagraph (D), by inserting “on the
12 sentence” after “vote was taken”.

13 (b) PRE-TRIAL AGREEMENTS.—Section 949i of such
14 title is amended by adding at the end the following new
15 subsection:

16 “(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty
17 made by the accused that is accepted by a military judge
18 under subsection (b) and not withdrawn prior to an-
19 nouncement of the sentence may form the basis for an
20 agreement reducing the maximum sentence approved by
21 the convening authority, including the reduction of a sen-
22 tence of death to a lesser punishment, or that the case
23 will be referred to a military commission under this chap-
24 ter without seeking the penalty of death. Such an agree-
25 ment may provide for terms and conditions in addition to
26 a guilty plea by the accused in order to be effective.

1 “(2) A plea agreement under this subsection may not
2 provide for a sentence of death imposed by a military
3 judge alone. A sentence of death may only be imposed by
4 the unanimous vote of a military commission concurring
5 in the sentence of death as provided in section
6 949m(b)(2)(D) of this title.”.