

McCaskill-Ayotte-Fischer Amendment

Strengthening an already historic host of reforms

More provisions to protect and empower victims, and increase reporting and prosecutions:

Eliminates the Good Soldier Defense

- Modifies the Military Rules of Evidence to prevent defendants from using good military character unless it is directly relevant to an element of the crime for which they are charged.

Allows Victim Input in Prosecution of Perpetrators

- Requires Special Victims Counsels to advise victims of the advantages & disadvantages of a case being prosecuted in the military or civilian justice system and provides victims the opportunity to express their preference on where the case is heard, giving a victim a greater degree of control of his or her case.

Allows Sexual Assault Victims to Challenge Their Discharge or Separation from Service

- Requires the services to set up a confidential process that will enable a victim of a sexual assault who was subsequently discharged to challenge the terms or characterization of his or her discharge—in order to take a retrospective look at possible instances of retaliation.

Strengthens the Role of the Prosecutor in Advising Commanders on Going to Court Martial

- In the event a prosecutor recommends a case go forward and the commander disagrees, under the amendment, the case is kicked up for review to the civilian service secretary, providing yet another level of review in these cases when needed. The NDAA currently requires the higher-level review only when there is disagreement between the commander and his or her legal counsel/judge advocate.

Boosts Accountability of Commanders for Addressing Sexual Assault & Setting Appropriate Command Climate

- Strengthens evaluations for commanding officers and the command climate they establish as it relates to allegations of sexual assault and the way victims of crimes are treated within the unit following reports.

Extends Protections to the Military Service Academies

- Clarifies that all changes in the NDAA related to sexual assault prevention and response apply to the military service academies.
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What's already in the bill? An historic host of reforms. Highlights include:

- ✓ Stripping commanders of their ability to overturn jury convictions
- ✓ Installing civilian review over decisions to not prosecute certain cases
- ✓ Mandating dishonorable discharge or dismissal for anyone convicted of sexual assault
- ✓ Criminalizing retaliation against victims who report a sexual assault
- ✓ Providing Special Victims Counsel for independent legal advice to victims who report a sexual assault
- ✓ Eliminating the statute of limitations in these cases.