

March 08, 2005- DoD Misses Deadline to Make Recommendations to Update Military Sexual Assault Laws

Department of Defense Misses Deadline to Recommend Updates Military Sexual Assault Laws

WASHINGTON—One week after its due date, the U.S. Department of Defense still has not released its congressionally mandated recommendations on updating military sexual assault laws. The report was due to Congress on March 1, 2005.

“I am deeply troubled by DoD’s failure to adhere to the deadlines imposed by Congress,” said Rep. Loretta Sanchez (D-CA), a tireless advocate on the issue of sexual assault in the military. “My fear is that this sends a message to victims of sexual assault and victim-advocacy organizations that the Department of Defense is not committed to strengthening laws that bring perpetrators of these crimes to justice.”

Last year, Sanchez introduced H.R. 4709, the Military Sexual Assault Crimes Revision Act of 2004. The bill would repeal Article 120 of the Uniform Code of Military Justice (UCMJ) and replace it with an improved sexual abuse statute, modeled on the federal criminal code. Sanchez re-introduced an identical bill this year (H.R.664) and plans to work to have it included in the FY 2006 Defense Authorization bill.

Although the legislation was not included in the final authorizing bill last year, a provision was included requiring the Secretary of Defense to provide the House and Senate Armed Services Committee, by March 1, 2005, a proposal for changes regarding sexual offenses in the UCMJ and the rationale for the changes. The language also “strongly encourages DoD to closely align the UCMJ’s language on sexual assault law with the appropriate section of the federal criminal code”.

This legislation would help prosecutors, protect victims, and promote good order and discipline in the Armed Forces. It offers a graduated array of offenses that more precisely define nonconsensual sex crimes. This legislation expressly provides for cases involving voluntary and involuntary intoxication of the victim, which are common fact patterns in military sexual assault cases. Finally, it criminalizes sexual extortion and other forms of coercing sex from subordinates and fellow service men and women in a way that will help commanders to maintain good order and discipline in the armed forces.