

113TH CONGRESS
1ST SESSION

H. R. 3767

To amend Article 32 of the Uniform Code of Military Justice to provide victims of sexual assault “rape shield” protections and the right to representation by a Special Victims’ Counsel.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Mr. RYAN of Ohio (for himself, Mr. TURNER, Ms. TSONGAS, Ms. GRANGER, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend Article 32 of the Uniform Code of Military Justice to provide victims of sexual assault “rape shield” protections and the right to representation by a Special Victims’ Counsel.

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 “Shield Act”.

1 **SEC. 2. APPEARANCE OF SPECIAL VICTIMS' COUNSEL ON**
2 **BEHALF OF A SEXUAL ASSAULT VICTIM AT**
3 **AN ARTICLE 32 INVESTIGATION AND PROHI-**
4 **BITION ON ADMISSION OF CERTAIN EVI-**
5 **DENCE.**

6 Section 832 of title 10, United States Code (article
7 32 of the Uniform Code of Military Justice) is amended—

8 (1) by redesignating subsections (c), (d), and
9 (e) as subsections (e), (f), and (g), respectively; and

10 (2) by inserting after subsection (b) the fol-
11 lowing new subsections:

12 “(c)(1) At the investigation, a Special Victims’ Coun-
13 sel may speak on behalf of the victim of an offense de-
14 scribed in paragraph (2), when the victim has a right to
15 be heard. A victim has a right to be heard when specified
16 in the Manual for Courts Martial, but, at a minimum, the
17 victim has a right to be heard regarding the privilege de-
18 scribed in subsection (d).

19 “(2) In this subsection, the term ‘Special Victims’
20 Counsel’ means an attorney who has formed an attorney-
21 client relationship with an alleged victim of an offense cov-
22 ered by section 920 or 925 of this title (article 120 or
23 125) or of an attempt to commit such an offense, as pun-
24 ishable under section 880 of this title (article 80).

25 “(d) An alleged victim of an offense described in sub-
26 section (c)(2) may not be questioned about any sexual be-

1 havior on the part of the alleged victim that is not directly
2 related to the charge or specification being investigated
3 under this section (article). No evidence may be admitted
4 at the investigation for the purpose of proving or showing
5 a sexual predisposition on the part of the alleged victim.”.

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