AMENDMENT TO RULES COMMITTEE PRINT 116–57

OFFERED BY MR. GOSAR OF ARIZONA

At the end of subtitle D of title V, add the following new section:

SEC. 5. PUNITIVE ARTICLE IN THE UNIFORM CODE OF MILITARY JUSTICE ON PROSECUTORIAL MISCONDUCT.

(a) In General.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 934 (article 134) the following new section (article):

“§ 934a. Art 134a. Prosecutorial misconduct

“Any person subject to this chapter who, as a prosecutor in a judicial proceeding willfully and corruptly withholds exculpatory evidence from the accused, is guilty of prosecutorial misconduct and shall be punished as a court-martial may direct.”.

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by insert-
ing after the item relating to section 934 (article 134) the following new item:

“934a. 134a. Prosecutorial misconduct.”