

**AMENDMENT TO
RULES COMMITTEE PRINT 116-19
OFFERED BY MR. TURNER OF OHIO**

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

1 **SEC. 5__ . EXPANSION OF PRE-REFERRAL MATTERS RE-**
2 **VIEWABLE BY MILITARY JUDGES AND MILI-**
3 **TARY MAGISTRATES IN THE INTEREST OF EF-**
4 **FICIENCY IN MILITARY JUSTICE.**

5 (a) IN GENERAL.—Subsection (a) of section 830a of
6 title 10, United States Code (article 30a of the Uniform
7 Code of Military Justice), is amended by striking para-
8 graphs (1) and (2) and inserting the following new para-
9 graphs:

10 (1) The President shall prescribe regulations
11 for matters relating to proceedings conducted before
12 referral of charges and specifications to court-mar-
13 tial for trial, including the following:

14 (A) Pre-referral investigative subpoenas.

15 (B) Pre-referral warrants or orders for
16 electronic communications.

17 (C) Pre-referral matters referred by an ap-
18 pellate court.

1 (D) Pre-referral matters under subsection
2 (c) or (e) of section 806b of this title (article
3 6b).

4 (E) Pre-referral matters relating to the fol-
5 lowing:

6 (i) Pre-trial confinement of an ac-
7 cused.

8 (ii) The accused's mental capacity.

9 (iii) A request for an individual mili-
10 tary counsel.

11 (2) In addition to the matters specified in para-
12 graph (1), the regulations prescribed under that
13 paragraph shall—

14 (A) set forth the matters that a military
15 judge may rule upon in such proceedings;

16 (B) include procedures for the review of
17 such rulings; and

18 (C) include appropriate limitations to en-
19 sure that proceedings under this section extend
20 only to matters that would be subject to consid-
21 eration by a military judge in a general or spe-
22 cial court-martial.

23 (b) CONFORMING AND CLERICAL AMENDMENTS.—

24 (1) HEADING AMENDMENT.—The heading of
25 such section is amended to read as follows:

1 **“§ 830A. Art. 30a. proceedings conducted before refer-**
2 **ral”.**

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of subchapter VI of chapter
5 47 of title 10, United States Code (the Uniform
6 Code of Military Justice), is amended by striking the
7 item relating to section 830 (article 30a) and insert-
8 ing the following new item:

“830a. 30a. Proceedings conducted before referral.”.

