

112TH CONGRESS
1ST SESSION

H. R. 1894

To amend title 10, United States Code, to clarify the right of an accused to plead guilty in a trial by a military commission for a capital offense.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2011

Mr. GOWDY (for himself, Mr. MULVANEY, Mr. SCOTT of South Carolina, Mr. GRAVES of Georgia, Mr. WEST, Mr. CHAFFETZ, Mr. GRIFFIN of Arkansas, and Mrs. ADAMS) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to clarify the right of an accused to plead guilty in a trial by a military commission for a capital offense.

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 “Military Commissions
5 Guilty Plea Adjustment Act”.

1 **SEC. 2. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN A**
2 **TRIAL FOR A CAPITAL OFFENSE BY A MILI-**
3 **TARY COMMISSION.**

4 (a) CLARIFICATION OF RIGHT.—Section 949m(b)(2)
5 of title 10, United States Code, is amended—

6 (1) in subparagraph (C), by inserting before the
7 semicolon the following: “, or a guilty plea was ac-
8 cepted and not withdrawn prior to announcement of
9 the sentence in accordance with section 949i(b) of
10 this title”; and

11 (2) in subparagraph (D), by inserting “on the
12 sentence” after “vote was taken”.

13 (b) PRE-TRIAL AGREEMENTS.—Section 949i of such
14 title is amended by adding at the end the following new
15 subsection:

16 “(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty
17 made by the accused that is accepted by a military judge
18 under subsection (b) and not withdrawn prior to an-
19 nouncement of the sentence may form the basis for an
20 agreement reducing the maximum sentence approved by
21 the convening authority, including the reduction of a sen-
22 tence of death to a lesser punishment, or that the case
23 will be referred to a military commission under this chap-
24 ter without seeking the penalty of death. Such an agree-
25 ment may provide for terms and conditions in addition to
26 a guilty plea by the accused in order to be effective.

1 “(2) A plea agreement under this subsection may not
2 provide for a sentence of death imposed by a military
3 judge alone. A sentence of death may only be imposed by
4 the unanimous vote of a military commission concurring
5 in the sentence of death as provided in section
6 949m(b)(2)(D) of this title.”.

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