

111. (ALL) Please provide all policies or proposals indicating which categories of crimes are considered military or non-military offenses for the purposes of the Secretary of Defense's proposed changes to Art. 60, UCMJ.

DoD	The Secretary of Defense's proposed Article 60 amendment does not make a military vs. non-military distinction. Rather, it allows convening authorities to act with respect to the findings only for offenses whose maximum authorized confinement does not exceed two years and where the adjudged sentence does not include a punitive discharge or confinement for more than six months. The legislation would also allow the Secretary of Defense to further limit the offenses that are subject to the convening authority's action on the findings.
USA	The Secretary of Defense's proposed Article 60 amendment does not make a military vs. non-military distinction. Rather, it allows convening authorities to act with respect to the findings only for offenses whose maximum authorized confinement does not exceed two years and where the adjudged sentence does not include a punitive discharge or confinement for more than six months. The legislation would also allow the Secretary of Defense to further limit the offenses that are subject to the convening authority's action on the findings.
USAF	DoD is collecting and consolidating the answer to this question from all of the services and will provide a single response.
USN	Responses are to be provided by OSD.
USMC	DoD Office of General Counsel will provide this answer.
USCG	On April 8, 2013, the Secretary of Defense directed that a legislative proposal be drafted limiting the authority of convening authorities to set aside findings only to offenses that ordinarily are not referred to courts-martial but instead are handled by nonjudicial punishment or adverse administrative action. Consistent with the Secretary's direction, a proposal was submitted amending Article 60 to prohibit a convening authority from setting aside the findings of a court-martial except for a narrow group of qualified offenses. Specifically, the convening authority would only be permitted to take action with respect to an offense where the maximum sentence authorized by the President does not exceed two years and where the sentence adjudged by the court-martial in the case does not include dismissal, a dishonorable or bad-conduct discharge, or confinement for more than six months. In essence the proposal spoke to minor versus major offenses, rather than military versus non-military offenses.

**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**