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<p>Rule 412. Sex-Offense Cases: The Victim's Sexual Behavior or Predisposition</p> <p>(a) Prohibited Uses. The following evidence is not admissible in a civil or criminal proceeding involving alleged sexual misconduct:</p> <p>(1) evidence offered to prove that a victim engaged in other sexual behavior; or</p> <p>(2) evidence offered to prove a victim's sexual predisposition.</p> <p>(b) Exceptions.</p> <p>(1) Criminal Cases. The court may admit the following evidence in a criminal case:</p> <p>(A) evidence of specific instances of a victim's sexual behavior, if offered to prove that someone other than the defendant was the source of semen, injury, or other physical evidence;</p> <p>(B) evidence of specific instances of a victim's sexual behavior with respect to the person accused of the sexual misconduct, if offered by the defendant to prove consent or if offered by the prosecutor; and</p> <p>(C) evidence whose exclusion would violate the defendant's constitutional rights.</p> <p>(2) Civil Cases. In a civil case, the court may admit evidence offered to prove a victim's sexual behavior or sexual predisposition if its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. The court may admit evidence of a victim's reputation only if the victim has placed it in controversy.</p> <p>(c) Procedure to Determine Admissibility.</p> <p>(1) Motion. If a party intends to offer evidence under Rule 412(b), the party must:</p>	<p>Rule 412. Sex Offense Cases: The Victim's Sexual Behavior or Predisposition</p> <p>(a) Evidence generally inadmissible. The following evidence is not admissible in any proceeding involving an alleged sexual offense except as provided in subdivisions (b) and (c):</p> <p>(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.</p> <p>(2) Evidence offered to prove any alleged victim's sexual predisposition.</p> <p>(b) Exceptions.</p> <p>(1) In a proceeding, the following evidence is admissible, if otherwise admissible under these rules:</p> <p>(A) evidence of specific instances of sexual behavior by the alleged victim offered to prove that a person other than the accused was the source of semen, injury, or other physical evidence;</p> <p>(B) evidence of specific instances of sexual behavior by the alleged victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent or by the prosecution; and</p> <p>(C) evidence the exclusion of which would violate the constitutional rights of the accused.</p> <p>(c) Procedure to determine admissibility.</p> <p>(1) A party intending to offer evidence under subsection (b) must—</p>

(A) file a motion that specifically describes the evidence and states the purpose for which it is to be offered;

(B) do so at least 14 days before trial unless the court, for good cause, sets a different time;

(C) serve the motion on all parties; and

(D) notify the victim or, when appropriate, the victim's guardian or representative.

(2) Hearing. Before admitting evidence under this rule, the court must conduct an in camera hearing and give the victim and parties a right to attend and be heard. Unless the court orders otherwise, the motion, related materials, and the record of the hearing must be and remain sealed.

(d) Definition of "Victim." In this rule, "victim" includes an alleged victim.

(A) file a written motion at least 5 days prior to entry of pleas specifically describing the evidence and stating the purpose for which it is offered unless the military judge, for good cause shown, requires a different time for filing or permits filing during trial; and

(B) serve the motion on the opposing party and the military judge and notify the alleged victim or, when appropriate, the alleged victim's guardian or representative.

(2) Before admitting evidence under this rule, the military judge must conduct a hearing, which shall be closed. At this hearing, the parties may call witnesses, including the alleged victim, and offer relevant relevant [sic] evidence. The alleged victim must be afforded a reasonable opportunity to attend and be heard. In a case before a courtmartial composed of a military judge and members, the military judge shall conduct the hearing outside the presence of the members pursuant to Article 39(a). The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise.

(3) If the military judge determines on the basis of the hearing described in paragraph (2) of this subsection that the evidence that the accused seeks to offer is relevant for a purpose under subsection (b) and that the probative value of such evidence outweighs the danger of unfair prejudice to the alleged victim's privacy, such evidence shall be admissible under this rule to the extent an order made by the military judge specifies evidence that may be offered and areas with respect to which the alleged victim may be examined or cross-examined. Such evidence is still subject to challenge under Mil. R. Evid. 403.

(d) For purposes of this rule, the term "sexual offense" includes any sexual misconduct punishable under the Uniform Code of Military Justice, federal law or state law. "Sexual behavior" includes any sexual behavior not encompassed by the alleged offense. The term "sexual

	<p>predisposition" refers to an alleged victim's mode of dress, speech, or lifestyle that does not directly refer to sexual activities or thoughts but that may have a sexual connotation for the factfinder.</p> <p>(e) A "nonconsensual sexual offense" is a sexual offense in which consent by the victim is an affirmative defense or in which the lack of consent is an element of the offense. This term includes rape, forcible sodomy, assault with intent to commit rape or forcible sodomy, indecent assault, and attempts to commit such offenses.</p>
<p>Rule 413. Similar Crimes in Sexual-Assault Cases</p> <p>(a) Permitted Uses. In a criminal case in which a defendant is accused of a sexual assault, the court may admit evidence that the defendant committed any other sexual assault. The evidence may be considered on any matter to which it is relevant.</p> <p>(b) Disclosure to the Defendant. If the prosecutor intends to offer this evidence, the prosecutor must disclose it to the defendant, including witnesses' statements or a summary of the expected testimony. The prosecutor must do so at least 15 days before trial or at a later time that the court allows for good cause.</p> <p>(c) Effect on Other Rules. This rule does not limit the admission or consideration of evidence under any other rule.</p> <p>(d) Definition of "Sexual Assault." In this rule and Rule 415, "sexual assault" means a crime under federal law or under state law (as "state" is defined in 18 U.S.C. § 513) involving:</p> <p>(1) any conduct prohibited by 18 U.S.C. chapter 109A;</p> <p>(2) contact, without consent, between any part of the defendant's body — or an object — and another person's genitals or anus;</p> <p>(3) contact, without consent, between the defendant's genitals or anus and any part of another person's body;</p>	<p>Rule 413. Similar Crimes in Sexual Offense Cases</p> <p>(a) Permitted Uses. In a court-martial proceeding for a sexual offense, the military judge may admit evidence that the accused committed any other sexual offense. The evidence may be considered on any matter to which it is relevant.</p> <p>(b) Disclosure to the Accused. If the prosecution intends to offer this evidence, the prosecution must disclose it to the accused, including any witnesses' statements or a summary of the expected testimony. The prosecution must do so at least 5 days prior to entry of pleas or at a later time that the military judge allows for good cause.</p> <p>(c) Effect on Other Rules. This rule does not limit the admission or consideration of evidence under any other rule.</p> <p>(d) Definition. As used in this rule, "sexual offense" means an offense punishable under the Uniform Code of Military Justice, or a crime under federal or state law (as "state" is defined in 18 U.S.C. § 513), involving:</p> <p>(1) any conduct prohibited by Article 120;</p> <p>(2) any conduct prohibited by 18 U.S.C. chapter 109A;</p> <p>(3) contact, without consent, between any part of the accused's body, or an object held or controlled by the accused, and another person's genitals or anus;</p>

<p>(4) deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person; or</p> <p>(5) an attempt or conspiracy to engage in conduct described in subparagraphs (1)-(4).</p>	<p>(4) contact, without consent, between the accused's genitals or anus and any part of another person's body;</p> <p>(5) contact with the aim of deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person; or</p> <p>(6) an attempt or conspiracy to engage in conduct described in subdivisions (d)(1)-(5).</p>
<p>Rule 414. Similar Crimes in Child Molestation Cases</p> <p>(a) Permitted Uses. In a criminal case in which a defendant is accused of child molestation, the court may admit evidence that the defendant committed any other child molestation. The evidence may be considered on any matter to which it is relevant.</p> <p>(b) Disclosure to the Defendant. If the prosecutor intends to offer this evidence, the prosecutor must disclose it to the defendant, including witnesses' statements or a summary of the expected testimony. The prosecutor must do so at least 15 days before trial or at a later time that the court allows for good cause.</p> <p>(c) Effect on Other Rules. This rule does not limit the admission or consideration of evidence under any other rule.</p> <p>(d) Definition of "Child" and "Child Molestation." In this rule and Rule 415:</p> <p>(1) "child" means a person below the age of 14; and</p> <p>(2) "child molestation" means a crime under federal law or under state law (as "state" is defined in 18 U.S.C. § 513) involving:</p> <p>(A) any conduct prohibited by 18 U.S.C. chapter 109A and committed with a child;</p> <p>(B) any conduct prohibited by 18 U.S.C. chapter 110;</p>	<p>Rule 414. Similar Crimes in Child-Molestation Cases</p> <p>(a) Permitted Uses. In a court-martial proceeding in which an accused is charged with an act of child molestation, the military judge may admit evidence that the accused committed any other offense of child molestation. The evidence may be considered on any matter to which it is relevant.</p> <p>(b) Disclosure to the Accused. If the prosecution intends to offer this evidence, the prosecution must disclose it to the accused, including witnesses' statements or a summary of the expected testimony. The prosecution must do so at least 5 days prior to entry of pleas or at a later time that the military judge allows for good cause.</p> <p>(c) Effect on Other Rules. This rule does not limit the admission or consideration of evidence under any other rule.</p> <p>(d) Definitions. As used in this rule:</p> <p>(1) "Child" means a person below the age of 16; and</p> <p>(2) "Child molestation" means an offense punishable under the Uniform Code of Military Justice, or a crime under federal law or under state law (as "state" is defined in 18 U.S.C. § 513), that involves:</p> <p>(A) any conduct prohibited by Article 120 and committed with a child;</p> <p>(B) any conduct prohibited by 18 U.S.C. chapter 109A and committed with a child;</p>

<p>(C) contact between any part of the defendant's body — or an object — and a child's genitals or anus;</p> <p>(D) contact between the defendant's genitals or anus and any part of a child's body;</p> <p>(E) deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on a child; or</p> <p>(F) an attempt or conspiracy to engage in conduct described in subparagraphs (A)–(E).</p>	<p>(C) any conduct prohibited by 18 U.S.C. chapter 110;</p> <p>(D) contact between any part of the accused's body, or an object held or controlled by the accused, and a child's genitals or anus;</p> <p>(E) contact between the accused's genitals or anus and any part of a child's body;</p> <p>(F) contact with the aim of deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on a child; or</p> <p>(G) an attempt or conspiracy to engage in conduct described in subdivisions (d)(2)(A)–(F).</p>
<p>Rule 415. Similar Acts in Civil Cases Involving Sexual Assault or Child Molestation</p> <p>(a) Permitted Uses. In a civil case involving a claim for relief based on a party's alleged sexual assault or child molestation, the court may admit evidence that the party committed any other sexual assault or child molestation. The evidence may be considered as provided in Rules 413 and 414.</p> <p>(b) Disclosure to the Opponent. If a party intends to offer this evidence, the party must disclose it to the party against whom it will be offered, including witnesses' statements or a summary of the expected testimony. The party must do so at least 15 days before trial or at a later time that the court allows for good cause.</p> <p>(c) Effect on Other Rules. This rule does not limit the admission or consideration of evidence under any other rule.</p>	