

## **Vanessa Guillén Military Justice Improvement and Increasing Prevention Act**

*House Co-Leads: Reps. Jackie Speier, Mike Turner, Anthony G. Brown, Mariannette Miller-Meeks, Elaine Luria, Trent Kelly, Veronica Escobar, Markwayne Mullin, Sylvia Garcia, Richard Hudson*

The *Vanessa Guillén Military Justice Improvement and Increasing Prevention Act* is the House companion to S.1520, introduced by Sens. Gillibrand, Ernst, and Grassley to modernize the military justice system. The Senate bill has 66 bipartisan cosponsors.

Under current law, prosecutorial determinations in the military justice system for serious crimes like murder, rape, and assault, are made by unit commanders instead of trained and experienced military prosecutors. This legislation would transfer responsibility for making prosecutorial determinations for the most serious crimes—those with a maximum penalty of more than 1 year of confinement—to military attorneys with significant trial experience and training. Prosecutorial determinations for military-specific crimes—such as desertion and orders violations—would remain with the unit commander. Unit commanders will also retain other important authorities inherent to command, including the authority to investigate alleged misconduct, issue search and seizure authorizations, and ordering pretrial confinement.

The legislation also contains provisions that would improve training for servicemembers on the response to sexual assault, increase professional development for prosecutors, and improve the physical security of living accommodations on military installations.

Over the last decade, there have been numerous legislative efforts addressing sexual assault in our Nation's military, but it still remains an issue that detracts from readiness and lethality—and is contrary to our core values of safety and justice. In 2018, according to survey estimates, about 20,500 servicemembers were sexually assaulted, and in 2020, the Department of Defense received 6,290 reports of sexual assault. Since 2012, the statistical prevalence of sexual assault has not improved enough. Furthermore, sexual assault remains an underreported crime, with only 36% of survey-estimated sexual assaults actually being reported and only 1% ending in conviction at court-martial, or military trial.

The nationwide call to address the disparities in our criminal justice system must extend to our military justice system. Black and Hispanic servicemembers are more likely than white members to be the subject of investigation for serious crimes and are more likely to be tried in general and special courts-martial in all of the military services, even when controlling for attributes such as rank and education. Authorizing skilled military prosecutors to make preferral and referral determinations will help ensure that unacceptable factors, such as a military member's race or ethnicity, are not considered at any stage of the process.

Ensuring an impartial and unbiased method of holding the accused accountable will improve the transparency of the military justice system and give victims a reason to trust the process.

While this legislation is not the only step required to transform the military's approach to sexual and domestic violence, it is a critical cornerstone for building a more effective framework.