

115TH CONGRESS  
1ST SESSION

# S. 2129

To amend title 10, United States Code, to establish a punitive article in the Uniform Code of Military Justice on domestic violence, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2017

Ms. HIRONO (for herself, Ms. BALDWIN, Mr. BOOKER, Mr. BROWN, Ms. CORTEZ MASTO, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MURRAY, Mr. PETERS, Mr. SANDERS, Mrs. SHAHEEN, Mr. VAN HOLLEN, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to establish a punitive article in the Uniform Code of Military Justice on domestic violence, and for other purposes.

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 Domestic Vio-  
5 lence Reporting Enhancement Act”.

1 **SEC. 2. PUNITIVE ARTICLE IN THE UNIFORM CODE OF**  
 2 **MILITARY JUSTICE ON DOMESTIC VIOLENCE.**

3 (a) PUNITIVE ARTICLE.—

4 (1) IN GENERAL.—Subchapter X of chapter 47  
 5 of title 10, United States Code (the Uniform Code  
 6 of Military Justice), is amended by inserting after  
 7 the item relating to section 928 (article 128) the fol-  
 8 lowing new section (article):

9 **“§ 928a. Art. 128a. Domestic violence**

10 “(a) DOMESTIC VIOLENCE.—Any person subject to  
 11 this chapter who, unlawfully and with force or violence,  
 12 attempts, offers to, or does intimidate, manipulate, humili-  
 13 ate, isolate, frighten, terrorize, coerce, threaten, blame,  
 14 hurt, injure, or wound another person of whom the person  
 15 is an intimate partner is guilty of domestic violence and  
 16 shall be punished as a court-martial may direct.

17 “(b) AGGRAVATED DOMESTIC VIOLENCE.—Any per-  
 18 son subject to this chapter who, in committing domestic  
 19 violence, uses a weapon, means, or force in a manner likely  
 20 to produce death or grievous bodily harm is guilty of ag-  
 21 gravated domestic violence and shall be punished as a  
 22 court-martial may direct.

23 “(c) INTIMATE PARTNER DEFINED.—In this section,  
 24 the term ‘intimate partner’, in the case of a person, means  
 25 another person—

1           “(1) who is the spouse or former spouse of the  
2           person;

3           “(2) who shares a child in common with the  
4           person;

5           “(3) who cohabits or has cohabited with the  
6           person;

7           “(4) who is a dating partner of the person; or

8           “(5) of whom the person is situated as a parent  
9           or guardian or is similarly situated.”.

10           (2) CLERICAL AMENDMENTS.—

11           (A) IN GENERAL.—The table of sections at  
12           the beginning of subchapter X of chapter 47 of  
13           such title is amended by inserting after the  
14           item relating to section 928 (article 128) the  
15           following new item:

“928a. 128a. Domestic violence.”.

16           (B) COORDINATION WITH UCMJ RE-  
17           FORM.—Effective as of the effective date of the  
18           amendments made by the Military Justice Act  
19           of 2016 (division E of Public Law 114–328; 10  
20           U.S.C. 101 note), as provided in section  
21           5542(a) of that Act (130 Stat. 2967; 10 U.S.C.  
22           801 note), the table of sections at the beginning  
23           of subchapter X of chapter 47 of such title, as  
24           amended by section 5452 of that Act (130 Stat.  
25           2958), is further amended by inserting after

1 the item relating to section 928 (article 928)  
2 the following new item:

“928a. 128a. Domestic violence.”.

3 (C) COORDINATION OF AMENDMENTS.—If  
4 the date of the enactment of this Act occurs  
5 after the effective date of the amendments  
6 made by the Military Justice Act of 2016, as  
7 provided in section 5542(a) of that Act, sub-  
8 paragraph (A) and the amendment made by  
9 that subparagraph shall not go into effect.

10 (b) COORDINATION WITH PROHIBITIONS ON SALE,  
11 TRANSIT, OR POSSESSION OF FIREARMS OR AMMUNITION  
12 BY PERSONS CONVICTED OF DOMESTIC VIOLENCE.—Sec-  
13 tion 922 of title 18, United States Code, is amended—

14 (1) in subsection (d)(9), by inserting before the  
15 period at the end the following: “, or has been con-  
16 victed by general or special court-martial of an of-  
17 fense of domestic violence under section 928a of title  
18 10 (article 128a of the Uniform Code of Military  
19 Justice)”; and

20 (2) in subsection (g)(9), by inserting before the  
21 comma at the end the following: “, or who has been  
22 convicted by general or special court-martial of an  
23 offense of domestic violence under section 928a of  
24 title 10 (article 128a of the Uniform Code of Mili-  
25 tary Justice)”.

1 (c) PROMPT REPORTING OF CONVICTIONS.—

2 (1) IN GENERAL.—Under regulations and pro-  
3 cedures prescribed by the Secretary of Defense, each  
4 Secretary concerned shall submit to the Attorney  
5 General for inclusion in the national instant criminal  
6 background check system and other appropriate sys-  
7 tems or databases the name and other appropriate  
8 information on each member of the Armed Forces  
9 under the jurisdiction of such Secretary who has  
10 been convicted of an offense under section 928a title  
11 10, United States Code (article 128a of the Uniform  
12 Code of Military Justice), as added by subsection  
13 (a).

14 (2) DEADLINE FOR REPORTING.—The name  
15 and other information on a member required to be  
16 submitted pursuant to paragraph (1) shall be sub-  
17 mitted not later than three days after the date of  
18 entry of judgment with respect to the member for  
19 the offense concerned.

20 (3) DEFINITIONS.—In this subsection:

21 (A) The term “national instant criminal  
22 background check system” means the system  
23 established under section 103 of the Brady  
24 Handgun Violence Prevention Act (34 U.S.C.  
25 40901).

1           (B) The term “Secretary concerned” has  
2           the meaning given that term in section  
3           101(a)(9) of title 10, United States Code.

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