

# The Military Special Victims Protection Act

Sexual assault and domestic violence continue to be problems within our Armed Forces. In the last fiscal year, there were 6,053 *reported* sexual assaults, as well as 9,063 incidents of domestic/intimate partner violence, and 6,010 incidents of child abuse and/or neglect resulting in 15 domestic abuse fatalities and 26 child abuse fatalities. The Military Special Victim Protection Act of 2019 (MSVPA) is aimed at putting additional command emphasis, oversight, and training on the full spectrum of sexual misconduct and domestic violence offenses. The Act also expands eligibility for and the services of Special Victim Counsel (SVC) to better support and empower victims of sexual violence and domestic assault. Additionally, the Act expands claims reviewable by boards for the correction of military records and discharge review boards for those former Service members that were survivors of sexual assault or domestic violence and suffer from PTSD and/or TBI. Finally, the Act will provide for a feasibility study for implementing a guardian ad litem program in order to explore ways to better protect military children who have suffered from physical and/or sexual abuse.

## Withholding Policy and Increased Oversight

- Withholds initial disposition authority over sexual harassment, all sexual offenses, and domestic and intimate partner violence to military commanders in the grade of O-6 that are Special Court-Martial Convening Authorities (SPMCA).
- Directs training for SPMCA's on sexual harassment, sexual assault, and domestic violence.
- Provides for a secondary review by an independent legal advisor and the next superior commander in the event a SPMCA wants to take no action, administrative action, or impose nonjudicial punishment for any of the withheld offenses when the detailed legal advisor has recommended trial by court-martial.

## Expansion of Special Victim Counsel (SVC)/Victims' Legal Counsel (VLC) Services

- Expands eligibility for services to victims of certain domestic violence offenses.
- Expands eligibility for services to civilian victims, with Service Secretary waiver.
- Expands services to include assistance and advocacy in response to incidences of retaliation.
- Includes consultation on certain benefits and victim's jurisdictional preference for prosecution.
- Authorizes additional SVC/VLC billets and provides for paralegal support to SVC/VLCs.

## Correction of Military Records and Improved Discharge Review Boards

- Provides for the correction of military records and discharges for former military members that were survivors of military sexual trauma or intimate partner violence and suffer from PTSD or TBI, when it can be shown they were improperly discharged for a personality disorder or related non-disability mental condition.
- Members serving on Boards for Correction of Military Records and Discharge Review Boards will be provided training on military sexual trauma, intimate partner violence, and the various responses of individuals to trauma.

## Guardian ad Litem Report

- Provides for an assessment on the feasibility of establishing a guardian ad litem program, in conjunction with civilian authorities, to represent what is in the best interest of children that have been abused or exploited, during military court-martials.