

AMENDMENT**OFFERED BY MR. TURNER OF OHIO TO THE
AMENDMENT (LOG 192) OFFERED BY MS.
SPEIER OF CALIFORNIA**

Strike the subsection heading and insert the following: "LIMITATIONS OF DISCRETION TO MODIFY AN ADJUDGED SENTENCE".

In the paragraph (4)(A) being added, strike "reduce an adjudged sentence or disapprove, commute, or suspend the adjudged sentence" and insert "modify an adjudged sentence of confinement or a punitive discharge or disapprove, commute, or suspend an adjudged sentence of confinement or a punitive discharge".

In the paragraph (4)(B) being added, designate the existing material as clause (i), strike "may reduce an adjudged sentence or" and insert "shall have the authority to impose a sentence below a level established by statute as a minimum sentence, impose a sentence of confinement below the adjudged confinement sentence, or to", and add the end the following new clause: "(ii) If a mandatory minimum sentence exists for a charge, the convening authority or another person authorized to act

under this section may not modify an adjudged sentence to reduce the sentence to less than the mandatory minimum sentence or disapprove, commute, or suspend the adjudged mandatory minimum sentence in whole or in part. This limitation does not restrict the discretion of the convening authority or another person authorized to act under this section to modify, disapprove, commute, or suspend any portion of the adjudged sentence that is in addition to the mandatory minimum sentence.”.

Strike paragraph (4)(C) and insert the following:

1 (C) In addition, if a mandatory minimum sentence
2 does not exist for a charge and a pre-trial agreement has
3 been entered into by the convening authority and the ac-
4 cused, as authorized by Rule for Court-Martial 705, the
5 convening authority or another person authorized to act
6 under this section may take action to reduce, dismiss, or
7 suspend an adjudged sentence of confinement in whole or
8 in part pursuant to the terms of the pre-trial agreement.

