

For the first time, domestic violence will be a crime under military law

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By: Leo Shane III August 9 2018



New legislation set to become law will make domestic violence a crime under the UCMJ for the first time. (Airman 1st Class Nicolas Z. Erwin/Air Force)

WASHINGTON — Domestic violence will officially become a separate crime under the Uniform Code of Military Justice when President Donald Trump signs the annual defense authorization act into law next week.

Military officials have prosecuted such crimes in the past, but under more general justice categories such as assault. They carry severe penalties including jail time and dismissal from the armed forces. But analysts say that doesn't always convey the seriousness of the offense.

The change was included in the massive military policy measure after outside advocates noted the lack of domestic violence as a specific crime under military law has ramifications for how outside law enforcement can keep track of those troops after they leave the ranks.

Those types of convictions in the civilian world can trigger restrictions on future firearms purchases and ease the path to protection from abuse orders. But since military officials don't separate domestic abuse crimes separately from other assaults in their record keeping, reporting those crimes to outside agencies is often incomplete.



Lawmakers move to make domestic violence a crime under UCMJ

Under current military code, domestic violence crimes are prosecuted as assault cases, limiting how they are recorded for future law enforcement work.

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The issue drew national attention a year ago, when former airman Devin Kelley gunned down 26 people at a Texas church. Kelly was kicked out of the military after being convicted of assaulting his wife and child, but civilian authorities were not properly notified of the crimes that would have disqualified him from buying firearms.

In the months that followed, military officials added more than 4,000 former service members to the list of individuals ineligible for gun purchases because of crimes while serving.

In a statement, Rep. Jackie Rosen, D-Nev. and one of the sponsors of the amendment, said the change will “close a dangerous loophole” facing military families.

The authorization bill also includes language expanding the eligibility of victims’ counsel in domestic violence cases and changes to how information on those crimes are recorded throughout the military.

It also requires defense leaders to standardize policies for safely transferring victims of domestic violence or sexual assault away from accused troops.

Trump is expected to sign the legislation into law on Monday at an event including military members at Fort Drum in New York.

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Leo covers Congress, Veterans Affairs and the White House for Military Times. He has covered Washington, D.C. since 2004, focusing on military personnel and veterans policies.