



H.R. 3174 – Equal Justice for Our Military Act of 2007

FLOOR SITUATION

H.R. 3174 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Susan Davis (D-CA) on July 25, 2007. The bill was referred to the Committee on the Judiciary, but was never considered.

H.R. 3174 is expected to be considered on the floor of the House on September 26, 2008.

SUMMARY

H.R. 3174 amends the federal code to allow the review of certain cases denied by the U.S. Court of Appeals for the Armed Forces by writ of certiorari.

Note: A writ or certiorari is an order by a higher court directing a lower court to send the record in a given case for review.

BACKGROUND

In 2000, Congress passed the Military Extraterritorial Justice Act (MEJA). This legislation, which was amended in 2004, allows the government to try former U.S. service members in the Federal civil justice system for crimes committed while on active duty. Such trials allow defendants with greater access to appeal to the United States Supreme Court. However, U.S. military personnel who are tried under court martial, pursuant to the Uniform Code of Military Justice, do not have this ability to appeal.

This legislation attempts to amend Federal judicial code to allow military personnel tried under court martial to have access to appeal under the Supreme Court.

COST

The Congressional Budget Office (CBO) has not produced a cost estimate for H.R. 3174 as of September 26, 2008.

STAFF CONTACT

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