

(2) Patronizing a Prostitute

(a) That the accused had sexual intercourse with another person not the accused's spouse;

(b) That the accused compelled, induced, enticed, or procured such person to engage in act of sexual intercourse in exchange for money or other compensation; and

(c) That this act was wrongful; and

(d) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(3) Pandering by Compelling, Inducing, Enticing, or Procuring Act of Prostitution

(a) That the accused compelled, induced, enticed, or procured a certain person to engage in an act of sexual intercourse for hire and reward with a person to be directed to said person by the accused;

(b) That this compelling, inducing, enticing, or procuring was wrongful; and

(c) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(4) Pandering by Arranging or Receiving Consideration for Arranging for Sexual Intercourse or Sodomy

(a) That the accused arranged for, or received valuable consideration for arranging for, a certain person to engage in sexual intercourse or sodomy with another person;

(b) That the arranging (and receipt of consideration) was wrongful; and

(c) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

c. Explanation

Prostitution may be committed by males or females. Sodomy for money or compensation is not included in subparagraph b(1). Sodomy may be charged under paragraph 51. Evidence that sodomy was for money or compensation may be a matter in aggravation. See R.C.M. 1001(b)(4).

d. Lesser Included Offense. Article 80-Attempts

e. Maximum Punishment

(1) Prostitution and patronizing a prostitute. Dishonorable discharge,

forfeiture of all pay and allowances, and confinement for 1 year.

(2) Pandering. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

f. Sample Specifications

(1) Prostitution

In that ____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about ____ 20 ____, wrongfully engage in (an act) (acts) of sexual intercourse with ____, a person not his/her spouse, for the purpose of receiving (money) (____).

(2) Patronizing a Prostitute

In that ____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about ____ 20 ____, wrongfully (compel) (induce) (entice) (procure) ____, a person not his/her spouse, to engage in (an act) (acts) of sexual intercourse with the accused in exchange for (money) (____).

(3) Compelling, Inducing, Enticing, or Procuring Act of Prostitution

In that ____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about ____ 20 ____, wrongfully (compel) (induce) (entice) (procure) ____ to engage in (an act) (acts) of (sexual intercourse for hire and reward with persons to be directed to him/her by the said ____).

(4) Arranging, or Receiving Consideration for Arranging for Sexual Intercourse or Sodomy

In that ____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about ____ 20 ____, wrongfully (arrange for) (receive valuable consideration, to wit: ____ on account of arranging for-) ____ to engage in (an act) (acts) of sexual intercourse) (sodomy) with ____.

Amend Appendix 12, Maximum Punishment Chart by substituting "Prostitution and patronizing a prostitute" for "Prostitution."

Amend appendix 23, Analysis of Punitive Articles by amending the Analysis accompanying paragraph 97 by adding the following:

"200_ Amendment: b. Elements. Subparagraph (2) defines the elements of the offense of patronizing a prostitute. Old subparagraphs (2) and (3) are now (3) and (4) respectively."

Dated: September 9, 2004

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee meeting date change.

SUMMARY: On Wednesday, August 28, 2004 (69 FR 52240) the Department of Defense announced closed meetings of the Defense Science Board (DSB) Task Force on Munitions System Reliability. These meetings have been rescheduled from September 21-22, 2004, to September 23-24, 2004. The meetings will be held at SAIC., 4001 N. Fairfax Drive, Arlington, VA.

Dated: September 9, 2004.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF DEFENSE

United States Marine Corps

Privacy Act of 1974; System of Records

AGENCY: United States Marine Corps, DoD.

ACTION: Notice to delete a records system.

SUMMARY: The U.S. Marine Corps (USMC) is deleting one system of records notice from its inventory of records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

DATES: The deletion will be effective on October 15, 2004 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Headquarters, U.S. Marine Corps, FOIA/PA Section (CMC-ARSE), 2 Navy Annex, Room 1005, Washington, DC 20380-1775.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy D. Ross at (703) 614-4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps' records system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the