

quiry); 308 (notification to accused of charges) concerning other duties of the immediate commander when in receipt of charges.

When the immediate commander is authorized to convene courts-martial, *see* R.C.M. 403, 404, or 407, as appropriate.

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**Rule 403. Action by commander exercising summary court-martial jurisdiction**

(a) *Recording receipt.* Immediately upon receipt of sworn charges, an officer exercising summary court-martial jurisdiction over the command shall cause the hour and date of receipt to be entered on the charge sheet.

**Discussion**

*See* Article 24 and R.C.M. 1302(a) concerning who may exercise summary court-martial jurisdiction.

The entry indicating receipt is important because it stops the running of the statute of limitations. *See* Article 43; R.C.M. 907(b)(2)(B). Charges may be preferred and forwarded to an officer exercising summary court-martial jurisdiction over the command to stop the running of the statute of limitations even though the accused is absent without authority.

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(b) *Disposition.* When in receipt of charges a commander exercising summary court-martial jurisdiction may:

- (1) Dismiss any charges;

**Discussion**

*See* R.C.M. 401(c)(1) concerning dismissal of charges, the effect of dismissing charges, and options for further action.

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(2) Forward charges (or, after dismissing charges, the matter) to a subordinate commander for disposition;

**Discussion**

*See* R.C.M. 401(c)(2)(B) concerning forwarding charges to a subordinate. When appropriate, charges may be forwarded to a subordinate even if the subordinate previously considered them.

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(3) Forward any charges to a superior commander for disposition;

**Discussion**

*See* R.C.M. 401(c)(2)(A) for guidance concerning forwarding charges to a superior.

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(4) Subject to R.C.M. 601(d), refer charges to a summary court-martial for trial; or

**Discussion**

*See* R.C.M. 1302(c) concerning referral of charges to a summary court-martial.

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(5) Unless otherwise prescribed by the Secretary concerned, direct a pretrial investigation under R.C.M. 405, and, if appropriate, forward the report of investigation with the charges to a superior commander for disposition.

**Discussion**

An investigation should be directed when it appears that the charges are of such a serious nature that trial by general court-martial may be warranted. *See* R.C.M. 405. If an investigation of the subject matter already has been conducted, *see* R.C.M. 405(b).

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**Rule 404. Action by commander exercising special court-martial jurisdiction**

When in receipt of charges, a commander exercising special court-martial jurisdiction may:

- (a) Dismiss any charges;

**Discussion**

*See* R.C.M. 401(c)(1) concerning dismissal of charges, the effect of dismissing charges, and options for further action.

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(b) Forward charges (or, after dismissing charges, the matter) to a subordinate commander for disposition;

**Discussion**

*See* R.C.M. 401(c)(2)(B) concerning forwarding charges to a subordinate. When appropriate, charges may be forwarded to a subordinate even if that subordinate previously considered them.