**Approved Change 17-03 (Instruction on propensity evidence admitted under MRE 413/414)**

**Amend NOTE 3.2Sexual offense and child molestation cases – MRE 413 or 414 evidence of instruction 7-13-1, by deleting the following parenthetical:**

**(The optional portions of the instruction should be given when requested by counsel or when otherwise raised by the evidence.)**

**Replace all of the language under NOTE 3.2Sexual offense and child molestation cases – MRE 413 or 414 evidence of instruction 7-13-1, with the following:**

You have heard evidence that the accused may have committed (another) (other) (sexual) (child molestation) offenses(s). [The military judge may list/identify the evidence admitted pursuant to MRE 413/414, if appropriate]. The accused is not charged with (this) (these) offense(s). You may consider the evidence of (this) (these) other offense(s) for its bearing on any matter to which it is relevant, to include its tendency, if any, to show the accused’s propensity to engage in (sexual) (child molestation) offenses.

However, evidence of another (sexual) (child molestation) offense, on its own, is not sufficient to prove the accused guilty of a charged offense. You may not convict the accused solely because you believe (he) (she) committed another (sexual) (child molestation) offense or offenses or solely because you believe the accused has a propensity to engage in (sexual) (child molestation) offenses. Bear in mind that the government has the burden to prove that the accused committed each of the elements of each charged offense.