**Section 400.685 Compromise Offers; Offers of Reimbursement; Pleas**

a) Compromise

1) Prohibited Uses of Evidence. Evidence of the following is not admissible on behalf of any party, when offered to prove liability for, invalidity of, or amount of, a claim that was disputed as to validity or amount, or to impeach through a prior inconsistent statement or contradiction:

A) Furnishing, offering or promising to furnish, or accepting, offering or promising to accept, a valuable consideration in compromising or attempting to compromise the claim; and

B) Conduct or statements made in the compromise negotiations regarding the claim.

2) Permitted Uses of Evidence

A) This Section:

i) does not require the exclusion of evidence otherwise discoverable merely because it is presented in the course of settlement negotiations; and

ii) does not require exclusion if the evidence is offered for purposes not prohibited by subsection (a)(1).

B) Examples of permissible purposes include proving a witness' bias or prejudice; negating an assertion of undue delay; establishing bad faith and proving an effort to obstruct a criminal investigation or prosecution. (Il. Mil. R. Evid. 408)

b) Offers to Pay Medical and Similar Expenses

In addition to the provisions of Section 8-1901 of the Code of Civil Procedure, evidence of furnishing, promising to pay, or offering to pay medical, hospital or similar expenses resulting from an injury is not admissible to prove liability for the injury. (Il. Mil. R. Evid. 409)

c) Pleas, Plea Discussions and Related Statements

1) Definitions

A) "Statement Made in the Course of Plea Discussions" means a statement made by the accused solely for the purpose of requesting disposition under an authorized procedure for administrative action in lieu of trial by court-martial.

B) "On the Record" means the written statement submitted by the accused in furtherance of a request for disposition.

2) Except as otherwise provided in this Section, evidence of the following is not admissible in any court-martial proceeding against the accused who made the plea or was a participant in the plea discussions:

A) a plea of guilty that was later withdrawn;

B) a plea of nolo contendere;

C) any statement made in the course of any judicial inquiry regarding either of the pleas is subsections (c)(2)(A) and (B); or

D) any statement made in the course of plea discussions with the convening authority, staff judge advocate, trial counsel or other counsel for the government that do not result in a plea of guilty or that result in a plea of guilty later withdrawn. However, such a statement is admissible:

i) in any proceeding in which another statement made in the course of the same plea or plea discussions has been introduced and the statement should, in fairness, be considered contemporaneously; or

ii) in a court-martial proceeding for perjury or false statement if the statement was made by the accused under oath, on the record and in the presence of counsel. (Il. Mil. R. Evid. 410)