DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION AND FORT BLISS
11685 SERGEANT MAJOR BOULEVARD
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AFBL-CG 8 December 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Letter #6, Lautenberg Amendment

1. Reference: Army Regulation (AR) 600-20, Army Command Policy (6 November 2014).

2. Domestic violence is incompatible with Army values and will not be tolerated or condoned. The Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. § 922) became law on 30 September 1996. The Lautenberg Amendment makes it a felony for anyone convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. There is no exception for military personnel engaged in official duties. The Lautenberg Amendment also makes it a felony for anyone to sell or issue a firearm or ammunition to a person with such a conviction. This includes commanders and NCOs who furnish weapons or ammunition to Soldiers knowing, or having reason to believe, they have a qualifying conviction.

3. A "crime of domestic violence" is an offense that involves the use or attempted use of physical force, or threatened use of a deadly weapon committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person who was similarly situated to a spouse, parent, or guardian of the victim. Persons who are similarly situated to a spouse include two persons who are residing at the same location in an intimate relationship with the intent to make that place their home.

4. A "qualifying conviction" is a state or Federal conviction for a misdemeanor crime of domestic violence as well as any general or special court-martial conviction for an offense that otherwise meets the elements of a crime of domestic violence, even though not classified as a misdemeanor or felony. A qualifying conviction does not include a summary court-martial conviction or the imposition of nonjudicial punishment under UCMJ, Article 15. By DoD policy, the restrictions and prohibitions imposed by the Lautenberg Amendment apply to a state or Federal conviction for a felony crime of domestic violence adjudged on or after 27 November 2002.

5. Commanders will implement a program of instruction to educate all Soldiers annually on the Lautenberg Amendment and its consequences. Commanders will ensure that an extract of AR 600-20, para. 4-22, is prominently displayed outside unit arms rooms and

all facilities in which Government firearms or ammunition are stored, issued, disposed, or transported. Commanders will comply with all of the requirements outlined in AR 600-20, para. 4-22c.

6. Under DoD policy, major weapon systems and crew-served weapons such as tanks, missiles, and aircraft are not covered by the Lautenberg Amendment. The Lautenberg Amendment does apply, however, to both military and privately owned firearms and ammunition. Commanders must establish procedures to ensure compliance with the law to include procedures for Soldiers with a qualifying conviction who desire to withdraw their privately owned weapons from unit arms rooms. These procedures must allow Soldiers to sell or transfer their weapons to authorized persons directly without taking physical possession of the weapons in violation of the Lautenberg Amendment.

7. Soldiers with qualifying convictions must be identified and reported to ensure compliance with law. If a commander knows or has reasonable cause to believe that a Soldier has a qualifying conviction, then that commander should take all reasonable action to investigate. A commander may initiate the investigation by ordering the Soldier to complete DD Form 2760, Qualification to Possess Firearms or Ammunition. Soldiers who have or may have a qualifying conviction should be referred to a legal assistance attorney. A legal assistance attorney will also be available to assist the Soldier in seeking expunction or pardon of a qualifying conviction. Soldiers will be given a reasonable time to seek expunction of or to obtain a pardon for a qualifying conviction and may extend up to one year for that purpose.

8. If a Soldier has a qualifying conviction, or if there is reasonable cause to believe the Soldier has a qualifying conviction, the commander will immediately retrieve all Government-issued firearms and ammunition and advise the Soldier to consult with a legal assistance attorney for guidance on lawful disposal or sale of the privately-owned firearms and ammunition.

9. Soldiers with a qualifying conviction will be barred from reenlistment and are not eligible for the indefinite reenlistment program. Soldiers in the indefinite reenlistment program will be given an expiration of term of service (ETS) not to exceed 12 months from the date HQDA is notified of the qualifying conviction.

10. Soldiers with a qualifying conviction will be denied favorable personnel action IAW AR 600-8-2. The flag may be removed if the qualifying conviction is expunged or set aside by competent authority.

11. Soldiers with a qualifying conviction are not authorized to attend any service school where instruction with firearms or ammunition is part of the curriculum or that requires an active duty service obligation. Commanders will counsel Soldiers that the inability to complete service schools may affect future promotion or retention.

12. Neither enlisted Soldiers nor officers with a qualifying conviction may be promoted to the next higher grade.

13. Officers on active duty may request release from active duty, submit requests for unqualified resignation, or be processed for elimination IAW AR 600-8-24. Enlisted Soldiers on active duty may request voluntary separation for the convenience of the Government under Secretarial plenary authority IAW AR 635-200 or they may be processed for involuntary discharge under the misconduct provisions of AR 635–200 on the basis of the misconduct that resulted in the qualifying conviction.

14. All Soldiers known to have, or whom commanders have reasonable cause to believe have, a qualifying conviction are nondeployable for missions that require possession of firearms or ammunition.

15. Soldiers with a qualifying conviction are not eligible for overseas service IAW AR 614-30.

16. Commanders must detail Soldiers, whom they have a reason to believe have a qualifying conviction, to meaningful duties that do not require bearing weapons or ammunition. Commanders will not appoint or assign Soldiers with qualifying convictions to any supervisory or to any property accountability positions that require access to firearms or ammunition.

17. Commanders will add Soldiers identified as nondeployable to unit status reports. All active duty Soldiers, who are identified as being affected by the Lautenberg Amendment, will be reported to HQDA using the assignment consideration code (ASCO) L9 (Lautenberg Amendment).

STEPHEN M. TWITTY
Major General, USA
Commanding

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