

**QUALIFICATION TO POSSESS FIREARMS OR AMMUNITION**

**PRIVACY ACT STATEMENT**

**AUTHORITY: 18 U.S.C. 922(g)(9)**

**PRINCIPAL PURPOSE(S):** To obtain information for purposes of determining if you have been convicted of a misdemeanor crime or domestic violence that would disqualify you from shipping, transporting, possessing or receiving either Government-issued or private firearms or ammunition and to determine if reassignment, reclassification or other administrative action is warranted.

**ROUTINE USE(S):** To the Department of Justice so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers, manufacturers or dealers) to determine whether individuals are disqualified from receiving or possessing a firearm.

**DISCLOSURE:** Voluntary. However, failure to provide the information may result in the revocation of your authority to transfer, possess, or receive firearms or ammunition and possible adverse administrative action to preclude access to and use of firearms and ammunition. The furnishing of false information also may result in possible criminal or administrative proceedings and sanctions.

**SECTION I - MEMORANDUM TO ALL SERVICE MEMBERS AUTHORIZED TO POSSESS GOVERNMENT-ISSUED FIREARMS AND AMMUNITION**

An amendment to the Gun Control Act of 1968 (18 U.S.C. 922) makes it a felony for anyone who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. It is also a felony for any person to sell or otherwise dispose of a firearm to any person so convicted. The law pertains to anyone who has ever been convicted of a domestic violence misdemeanor. There is no exemption for military personnel or law enforcement officers and agents.

Convictions of "misdemeanor crimes of domestic violence" as defined in the amendment do not include summary court-martial convictions, the imposition of nonjudicial punishment (Article 15, UCMJ), or deferred prosecutions (or similar alternative dispositions) in civilian courts. The law also excludes anyone whose conviction has been expunged or set aside, or who has received a pardon. A misdemeanor crime of domestic violence is any offense, which has, as its factual basis, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim's current or former domestic partner, parent, or guardian.

If you have ever been convicted of a misdemeanor crime of domestic violence within the meaning of the law, continued retention of any firearm or ammunition, whether Government-issued or privately owned, may subject you to felony criminal penalties including a sentence of imprisonment of up to ten years and a fine of up to \$250,000, as well as administrative action.

If you have ever received a qualifying domestic violence misdemeanor conviction: (1) you may not possess any firearm or ammunition; and (2) you must return any Government-issued firearm or ammunition to your commander or immediate supervisor. Furthermore, any previously issued authorization to possess a firearm or ammunition is revoked.

Complete the qualification inquiry below and return to your commander or immediate supervisor within ten (10) working days of receipt. If you have any questions, you may contact your immediate supervisor, a legal assistance attorney, or a private attorney.

**SECTION II - ELEMENTS OF MISDEMEANOR CONVICTION OF DOMESTIC VIOLENCE**

A person shall not be considered as having committed a "misdemeanor crime of domestic violence" for purposes of the firearms restriction recently added to the Gun Control Act unless all of the following elements are present:

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| <ul style="list-style-type: none"> <li>(1) the person was convicted of a misdemeanor crime;</li> <li>(2) the offense had as an element the use or attempted use of physical force, or threatened use of a deadly weapon;</li> <li>(3) the convicted offender was at the time of the offense:                             <ul style="list-style-type: none"> <li>(a) a current or former spouse, parent or guardian of the victim,</li> <li>(b) a person with whom the victim shared a child in common,</li> <li>(c) a person who was cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or</li> <li>(d) a person who was similarly situated to a spouse, parent, or guardian of the victim;</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>(4) the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel;</li> <li>(5) if entitled to have the case tried by jury, the case was actually tried by jury or the person knowingly and intelligently waived the right to have the case tried by jury;</li> <li>(6) the conviction has not been expunged or set aside, or the convicted offender has not been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess or receive firearms.</li> </ul> |
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**SECTION III - QUALIFICATION INQUIRY**

*(Complete and return to your commander or immediate supervisor within 10 days of receipt)*

1. HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE AS DESCRIBED ABOVE:		<i>(initial and date)</i>
YES	NO	I DON'T KNOW (Provide explanation on reverse)
2. IF YOU ANSWERED "YES" TO THE FIRST QUESTION, PROVIDE THE FOLLOWING INFORMATION WITH RESPECT TO THE CONVICTION:		
a. COURT/JURISDICTION:	b. DOCKET/CASE NUMBER:	
c. STATUTE/CHARGE:	d. DATE SENTENCED <i>(YYYYMMDD)</i>	
3. CERTIFICATION. I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, complete, and made in good faith. I understand that false or fraudulent information provided herein may be ground for adverse action, up to and including removal, and is also criminally punishable under the Uniform Code of Military Justice or under federal law.		
a. NAME <i>(Last, First, Middle Initial)</i>	b. TITLE	
c. AGENCY/DUTY STATION	d. SIGNATURE	e. DATE SIGNED <i>(YYYYMMDD)</i>