

## MEMORANDUM TO ALL CIVILIAN EMPLOYEES CURRENTLY ASSIGNED TO COVERED POSITIONS

From: CNRH, HRO, Code N131

To: APPLICANT

Subj: DOMESTIC VIOLENCE MISDEMEANOR AMENDMENT TO THE GUN CONTROL ACT FOR DEPARTMENT OF THE NAVY CIVILIAN PERSONNEL

1. The purpose of this memorandum is to inform you of the Domestic Violence Misdemeanor Amendment to the Gun Control Act of 1968, and explain how it impacts you as a civilian employee. Enclosure (1) provides the Department of the Navy (DON) and Department of Defense (DoD) implementing policy and guidance.
2. The domestic violence amendment to the Gun Control Act of 1968, more commonly referred to as the Lautenberg Amendment, made it illegal for anyone convicted of a misdemeanor crime of domestic violence to possess, ship, transport or receive any firearm or ammunition; and made it a felony for any person to sell or dispose of firearms or ammunition to any person known or reasonably believed to have been convicted of a misdemeanor crime of domestic violence. Additionally, on 27 November 2002, the Department of Defense (DoD) issued policy that extended those prohibitions to anyone convicted of a "felony crime of domestic violence" adjudged on or after 27 November 2002.
3. Positions covered by this amendment, referred to as "covered positions," are identified as positions that include duties, activities, or responsibilities covered by the Gun Control Act, including selling or disposing of firearms and ammunition, or receiving, possessing, shipping or transporting any firearm or ammunition in or affecting interstate or foreign commerce. You currently occupy a position that has been identified as a "covered position."
4. A "misdemeanor crime of domestic violence" means an offense classified as a misdemeanor under State or Federal law 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. The term "convicted" includes any general or special court-martial conviction for a Uniform Code of Military Justice offense, but does not include non-judicial punishment (Article 15, UCMJ action) or a summary court-martial conviction. The term also excludes anyone whose conviction has been expunged or been set aside, or has received a pardon. A copy of the DON policy is provided at enclosure (1) and includes definitions of the terms used in the statute and the policy statement. Please read it carefully.
5. This provision applies to persons convicted of misdemeanor crimes of domestic violence at any time, prior to or after the passage of the 30 September 1996 law. There is no exemption for law enforcement officers and agents. If you have ever been convicted of a misdemeanor crime of domestic violence within the meaning of the statute, or a have been convicted of a felony crime of domestic violence adjudged on or after 27 November 2002, you may not continue employment in a covered position.
6. You are required to complete the DD Form 2760 and return it to the CNRH, Human Resources Office. You will not be allowed to occupy a position requiring access to firearms or ammunition until you have provided this form to your supervisor.
7. If you have any qualifying conviction as described in this memorandum or the DON policy statement enclosed, you must immediately return any Government-issued firearm or ammunition

to your supervisor. Furthermore, since the statute makes it illegal for you to possess or have access to any firearm or ammunition, any previously issued authorization to possess a firearm or ammunition is hereby revoked.

8. You are advised that you have an affirmative duty on an ongoing basis to notify your supervisor if you have or believe you may have a qualifying conviction. Moreover, you are required to immediately notify your supervisor if you receive a qualifying conviction in the future.

9. If you have any questions, you may contact your immediate supervisor, the Staff Judge Advocate, the Employee Relations branch of your Human Resources Office, your union representative, or private attorney.

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(Print Name: First, MI, Last)

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(Signature of Employee)

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(Date)