



## CONNECTICUT MILITARY DEPARTMENT

### QUALIFICATION TO POSSESS FIREARMS OR AMMUNITION

I, the undersigned, have been notified that the **Lautenberg Amendment to the Gun Control Act** became law on 30 September 1996. The amendment makes it a felony for any person who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. Transfer or sale of firearms to persons with a qualifying conviction under the amendment is also a felony. The Lautenberg Amendment applies to all members of the Armed Forces of the State of Connecticut.

For purposes of this Amendment, the following definitions apply:

**Firearms and ammunition** – includes all military issue and privately-owned weapons. Firearms and ammunition does not include major weapon systems and crew-served weapons, such as tanks, missiles or aircraft. There currently is no exception in the Lautenberg Amendment for military personnel engaged in official duties, included members serving in hostile fire areas.

**Domestic violence** – includes any crime in which the convicted offender was at the time of the offense either a current or former spouse, parent or guardian of the victim; a person who had a child in common with the victim; or a person who was cohabitating or did cohabit with the victim as a spouse, parent or guardian.

**Crime of violence** – is any offense that included the use or the attempted use of physical force, or threatened use of a deadly weapon.

**Conviction** – includes convictions by either a civilian court or by a special or general court-martial. Summary court martial convictions, non-judicial punishment, and deferred prosecutions in a civilian court are not considered convictions for purposes of the Lautenberg Amendment. For a conviction to qualify under the Lautenberg Amendment, the offender must have been represented by counsel or knowingly and intelligently waived the right to counsel. If the offender was entitled to have the case tried by a jury, the case must have been tried by a jury or the offender must have knowingly and intelligently waived the right to a jury trial. Additionally, the amendment does not apply to a conviction that was expunged or set aside, or if the offender was pardoned for the offense or had his or her civil rights restored.

Members identified as having a qualifying conviction are not eligible for missions requiring possession of firearms or ammunition.

All members with qualifying convictions may not be appointed or elected to leadership, supervisory or property accountability positions that give them access to firearms or ammunition. Additionally, members with qualifying convictions may not attend any training or education in which instruction with individual weapons or ammunition is part

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of the curriculum. A member's inability to complete service schools may impact on their future potential for promotion and affect the length of their career.

Members may not receive adverse action against them *solely* on the basis of their inability to possess a firearm, if the act of domestic violence led to their conviction occurred on or before 30 September 1996, the date the Lautenberg Amendment took effect. However, adverse action may be initiated against members with qualifying convictions if the act of domestic violence that led to their conviction occurred after 30 September 1996.

The purpose of this notification is to inform you of the Lautenberg Amendment's effects on members of the Armed Forces of the State of Connecticut who have qualifying convictions under the amendment.

**Members who have a qualifying conviction as defined above MUST NOT SHIP, TRANSPORT, POSSESS, OR RECEIVE FIREARMS OR AMMUNITION.**

Members who believe that they may have a qualifying conviction as defined above should immediately notify their command and seek the advice of the Staff Judge Advocate's office.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Rank

\_\_\_\_\_  
Signature of Individual

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Commandant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Unit of Assignment