

Lautenberg Amendment

October 6, 2005

The Lautenberg Amendment to the Gun Control Act of 1968, effective 30 September 1996, makes it a felony for those convicted of misdemeanor crimes of domestic violence to ship, transport, possess, or receive firearms or ammunition. The Amendment also makes it a felony to transfer a firearm or ammunition to an individual known, or reasonably believed, to have such a conviction. Soldiers are not exempt from the Lautenberg Amendment.

Summary court-martial convictions, nonjudicial punishment under Article 15, UCMJ, and deferred prosecutions (or similar alternative dispositions) in civilian court do not constitute qualifying convictions within the meaning of the Lautenberg Amendment. The prohibitions do not preclude a soldier from operating major weapons systems or crew served weapons such as tanks, missiles, and aircraft. The Lautenberg Amendment applies to soldiers with privately owned firearms and ammunition stored on or off post.

Army policy is that all soldiers known to have, or soldiers whom commanders have reasonable cause to believe have, a conviction of a misdemeanor crime of domestic are non-deployable for missions that require possession of firearms or ammunition. Soldiers affected by the Lautenberg Amendment are not eligible for overseas assignment. However, soldiers who are based outside the continental United States (OCONUS) will continue to comply with their assignment instructions.

Soldiers with qualifying convictions may not be assigned or attached to tables of organization and equipment (TOE) or modified TOE (MTOE) units. Commanders will not appoint such soldiers to leadership positions that would give them access to firearms and ammunition. Soldiers with qualifying convictions may not attend any service school where instruction with individual weapons or ammunition is part of the curriculum.

Soldiers whom commanders know, or have reasonable cause to believe have, a qualifying conviction may extend if otherwise

qualified, but are limited to a one year extension. Affected soldiers may not reenlist and are not eligible for the indefinite reenlistment program. Soldiers barred from reenlistment based on a Lautenberg qualifying conviction occurring after 30 September 1996 may not extend their enlistment. However, such soldiers must be given a reasonable time to seek removal of the conviction or a pardon.

Officers are subject to the provisions of the Lautenberg Amendment like any other soldier. The effects of are somewhat different if an officer has a qualifying conviction. Officers may request release from active duty or submit an unqualified resignation under AR 600-8-24, Officer Transfers and Discharges.