



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON, PRESIDIO OF MONTEREY
1759 LEWIS ROAD, SUITE 210
MONTEREY, CA 93944-3223

IMWE-POM-ZA

JAN 20 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Privately Owned Weapons Policy

1. PURPOSE. To set policy for storage and registration of privately owned weapons for all Department of Defense (DoD) affiliated personnel, family members and guests on the Presidio of Monterey (POM) and the Ord Military Community (OMC). This policy is implemented to ensure that safety, good order, and discipline of the installation will not be compromised through the improper storage or use of privately owned weapons.

2. GENERAL INSTRUCTIONS.

a. Posting. A copy of this policy will be prominently posted on all unit bulletin boards at the POM and OMC.

b. Applicability. This policy applies to the registration, storage, and use of privately owned weapons on the POM/OMC.

c. Prohibitions. This policy prohibits the storage of privately owned weapons or ammunition in all troop billets, lodging, guesthouses, work areas, or in vehicles.

3. SANCTIONS.

a. This policy is punitive. Violations of this policy by military members may subject offenders to punishment under the Uniform Code of Military Justice (UCMJ) or to criminal charges for violation of applicable California laws.

b. Violations of this policy may also result in administrative sanctions including, but not limited to; withdrawal of privileges, eviction of the sponsor from government housing, bar from the installation, and/or criminal sanctions available under Title 18, United States Code, or other applicable federal/state/local statutes.

4. RESPONSIBILITY.

a. Unit Commanders will:

(1) Ensure that information regarding California's handgun importation registration requirements and assault rifle registration requirements are included in the unit welcome packet prior to a Service Member's (SM) arrival at the POM and OMC.

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(2) Direct all arriving unit personnel residing on the POM/OMC, who own or possess firearms, to register their weapons with the Presidio of Monterey Police Department (POM PD), 4468 Gigling Road, Ord Military Community, CA 93944 within fourteen (14) days of arrival.

(3) Brief all unit personnel regarding the private firearms registration procedures detailed in this policy.

(4) Incorporate private firearm and other weapons possession and use requirements in their training or briefing schedules.

(5) Implement service specific regulations governing the control and storage of privately owned firearms in the unit arms room. Authorizing privately owned weapons storage is at the discretion of the Commander.

(6) Inform unit personnel of the Lautenberg Amendment, current policies, reporting procedures, and ramifications. Commanders should seek guidance from their servicing Staff Judge Advocate (SJA) if they have any questions.

(7) Ensure that the HQDA Message on the Lautenberg Amendment is prominently displayed outside arms rooms and all facilities where firearms or ammunition are stored, issued, disposed, or transported.

b. Chief, Military Personnel Division will coordinate with Human Resources Directorate (HR) to ensure that information regarding California's firearm importation registration requirements and assault rifle registration requirements is included as an additional instruction in the orders of all arriving personnel.

c. Individual Responsibility:

(1) Military personnel prohibited from owning a firearm under restrictions imposed by the Lautenberg Amendment are required to report their status to the command on arrival.

(2) Military personnel bringing firearms onto the installation shall familiarize themselves with the requirements of this policy, as well as federal firearm statutes and California State law. California firearm laws can be accessed via the Internet at: <http://ag.ca.gov/firearms/>

(3) Military personnel residing in troop billets or guest housing will secure all firearms and other weapons in a unit arms room immediately upon reporting in to their unit.

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(4) Military personnel and their family members residing in family quarters on POM/OMC are required to register all privately owned firearms with the POM PD not later than fourteen (14) working days after the weapon is brought onto the installation.

(5) Military personnel residing off-post will register their privately owned firearms in accordance with applicable federal and state laws and city and county ordinances. Military personnel residing off the installation are encouraged, but not required, to register their privately owned firearms with the POM PD.

(a) Military personnel importing handguns into California shall ensure that they submit a New Resident Handgun Ownership Report form, with the appropriate fee to the California Department of Justice within 60-days of arrival in the state.
(<http://ag.ca.gov/firearms/forms/pdf/ab991frm.pdf>)

(b) Military personnel in lawful possession of an "assault weapon" as defined by California law will register the assault weapon with the Department of Justice (DOJ) and obtain the appropriate permits before importing the weapon into California.

(6) The registered owner of a privately owned firearm shall notify POM PD when the weapon is sold, lost, stolen, or when the individual departs the installation. POM PD will accept privately owned weapons released by the owner for disposal.

5. DEFINITIONS.

a. A firearm is commonly referred to as a handgun, shotgun, rifle or similar type weapon from which a shot/bullet or projectile is discharged by gunpowder, by force of an explosion or other form of combustion.

b. For the purposes of this policy, "other types of privately owned weapons" refers to items such as pellet and BB guns, bows and arrows, swords, hatchets, or knives with a blade of three inches or longer. These items will not be stored in troop billets, but may be secured in the unit arms room when authorized by the unit commander. These types of private weapons are not required to be registered at the POM PD.

6. REGISTRATION PROCEDURES.

a. Privately owned firearms will be registered not later than fourteen (14) working days (Monday- Friday) after the weapon is brought onto POM/OMC. POM Form 4-562-1 can be accessed in regulations and forms at: <http://www.monterey.army.mil/police/index.html>

b. Individuals registering privately owned firearms will be required to present a completed POM Form 4-562-1, signed by the unit commander, in triplicate, to the POM PD with their

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firearm. The POM PD will verify the information by viewing the firearm. POM PD shall maintain a copy of POM Form 4-562- 1, verifying that the weapon has been registered.

c. Individuals under the age of 21 may not register any pistol, revolver, or firearm capable of being concealed upon the person. Individuals under the age of 18 may not register any firearms.

d. A comprehensive list of prohibited and restricted weapons (i.e., AK-47 or M16A2, cane guns, nun chucks, etc.) is located at the California Firearm Law website at <http://www.ag.ca.gov/firearms/> Any restricted weapon prohibited in California under Penal Code Section 12276 requires that the individual secure the required permits to import and possess an assault weapon or other restricted weapon in California. Without proof of required permits, any weapon presented for registration will be held by the POM PD for disposition. If the weapon is prohibited by Penal Code Section 12276.1 (i.e. having characteristic(s) such as a high capacity magazine, flash suppressor, pistol grip stock), the individual will be given the opportunity to either permanently remove the characteristic(s) that make the weapon illegal, ship the weapon out of state, or release the weapon to POM PD for disposal.

e. If the privately owned firearm will be stored in a unit arms room, the registrant will present his completed copy of POM Form 4-562-1 to the arms room weapon technician, verifying that the weapon has been registered.

7. According to the Lautenberg Amendment (18 USC 922), it is unlawful for any person to transfer, issue, sell, or otherwise dispose of firearms or ammunition to any person whom he or she knows, or has reasonable cause to believe, has been convicted of a misdemeanor crime of domestic violence. It is also unlawful for any person convicted of a misdemeanor crime of domestic violence to receive any firearm or ammunition that has been shipped or transported in interstate or foreign commerce. Lautenberg Act can be accessed at: http://en.wikipedia.org/wiki/Domestic_Violence_Offender_Gun_Ban

8. PROHIBITED FIREARMS. Firearms prohibited under California or federal law will NOT be stored on the POM/OMC. Privately owned firearms can only be stored in the arms room or family quarters, except when in transport directly to and from a firing range.

9. UNAUTHORIZED STORAGE.

a. Privately owned firearms and ammunition will not be secured or stored in troop billets/BEQ/BOQ, guest houses, or vehicles.

b. Personnel residing in troop billets, lodging, or guest housing may not use on-post family quarters of others to store their firearms or ammunition.

c. Privately owned vehicles will not be used to secure personally owned firearms, ammunition or other types of privately owned weapons.

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d. Storage of firearms and weapons off the installation shall be in compliance with local, state and federal laws.

e. Privately owned firearms authorized for storage in on-post family quarters shall be registered at the POM PD and shall be secured in the quarters in such a manner that firearms and ammunition are separate and out of reach of children. Trigger locks or locked containers must be used when storing firearms.

10. SURRENDER OF PRIVATELY OWNED WEAPONS.

a. If in the judgment of the Garrison Commander (GC) or the Service Commander, an individual residing on POM/OMC presents an immediate danger to himself/herself or to others, the GC shall order the individual to surrender any privately owned weapons to POM PD and then into storage in the unit arms room.

b. Weapon(s) used in a dangerous/illegal manner or a domestic violence incident may be seized temporarily under California law from any person, and returned or destroyed in accordance with California Penal Section 12028.5. Owners will be given a receipt for the weapon(s) and the weapon will be available for return to the owner after 48 hours, but no later than 5 business days, unless it is held as evidence, illegally possessed, stolen, not properly registered, or considered a continuing threat.

c. In conjunction with the order to surrender any privately owned weapons, the Service Commander shall inform the SM of the alleged behavior leading to the belief that the SM presents an immediate danger to self or others.

d. Thirty (30) days from the date of surrender of the privately owned weapon(s), unless adverse administrative or UCMJ action has been initiated, or the weapon(s) has been seized as evidence by police authority, the SM shall be given the opportunity to petition the GC, through the Service Commander for the return of the weapon(s). The GC will base the decision to return the weapon(s) on the findings of whether the circumstances that warranted the surrender have been mitigated and a determination that the SM no longer presents a danger to himself/herself or others.

e. If the privately owned weapon(s) is not returned to the SM after the first petition, the SM shall be given the opportunity to petition the GC for the return of his/her weapon(s) every sixty (60) days thereafter.

11. TRANSFER OF WEAPONS. All transfers of private firearms on POM/OMC shall be completed IAW both federal and State of California law. Sales of private firearms on the POM/OMC are prohibited.

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12. TRANSPORTATION OF FIREARMS. The transportation or carrying of any handgun, or other firearm capable of being concealed upon the person, is prohibited unless the person possesses a concealed carry weapon permit valid in the State of California. Otherwise, the handgun must be locked in a motor vehicle's trunk or in a locked container in the vehicle (other than the utility or glove compartment) when it is transported in the vehicle. When a handgun is carried to or from any motor vehicle for any lawful purpose, the firearm must be contained in a locked container IAW State of California laws. Shotguns and rifles should be secured either in a locked container or secured with a trigger locking device for safety.



DARCY A. BREWER
COL, USA
Commanding

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