

## **Domestic Violence = No Weapons**

Domestic violence is incompatible with the Army values. If a Soldier is convicted of domestic violence, it will have an immediate effect on a Soldier's military career. Under Army Regulation 600-20 Paragraph 4-23, a Soldier convicted of domestic violence might be prohibited from re-enlistment, and denied eligibility for commissioning, promotion or overseas service assignments. Soldiers could also be separated within 12 months.

Under the Lautenberg Amendment, an amendment to the Gun Control Act of 1968, it is against the law for any person to transfer, issue, sell or otherwise dispose of firearms or ammunition to any person whom he or she knows or has a reasonable cause to believe has been convicted of a misdemeanor crime of domestic violence. It is also unlawful for any person who has been 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. This applies to Soldiers throughout the world, including those in hostile fire areas. There is no military or law enforcement exception to the Amendment. The purpose of the Amendment is to get and keep firearms out of the hands of those individuals with domestic violence convictions.

What constitutes a domestic violence conviction under the Amendment? A misdemeanor crime of domestic violence has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

Soldiers are given a reasonable time to seek expungement of or to obtain a pardon for a qualifying domestic violence conviction and may extend up to one year for that purpose. If the Soldier is successful then in most cases, the Lautenberg Amendment does not apply.

Soldiers have an affirmative, continuing obligation to inform commanders or supervisors if they have, or later obtain, a qualifying conviction of domestic violence and must complete a revised DD Form 2760 (Qualification to Possess Firearms or Ammunition).

If you have any questions regarding The Lautenberg Amendment or how it may affect you, contact the Legal Assistance Office at 808-655-8607, or stop by Building 718 at Fort Shafter or Building 2037 at Schofield Barracks.