

MEMORANDUM FOR All Commanders at Fort Carson, CO

SUBJECT: Responsibilities and Obligations for Final Implementation of the Lautenberg Amendment.

1. PURPOSE: To set forth Commander and staff obligations on reporting of soldiers effected by the Lautenberg Amendment, to include deployment eligibility, assignment and retention of all Active Component, Reserve Component and National Guard soldiers.
2. COMMANDER ACTIONS: The Commander, or delegate, will:
  - a. Immediately implement HQDA guidance (Message, HQDA, 161400Z OCT 03, subject: Final Implementation of the Lautenberg Amendment) and ensure that all soldiers who have a qualifying conviction are notified of the prohibition on possession, shipment, transportation, or receipt of firearms and ammunition.
  - b. Implement a recurring program to inform all soldiers of the Lautenberg Amendment, DA policy, and its consequences and notify soldiers that they have an affirmative, continuing obligation to inform commanders or supervisors if they have, or later obtain, a qualifying conviction.
  - c. Make available DD Form 2760, Dec 2002, Qualification to Possess Firearms or Ammunition, to all soldiers who self-report a qualifying conviction;
  - d. Inform self-reporting soldiers that information disclosed on the DD Form 2760 may not be used against them in any military prosecution, including courts-martial.
  - e. Company and Battery level Commanders will collect completed DD Forms 2760 and file them in the soldier's local military personnel file IAW AR 600-8-104 and AR 25-400-2.
  - f. If a soldier has a qualifying conviction, or there is reasonable cause to believe a soldier has a qualifying conviction, the commander will immediately retrieve all government-issued firearms and ammunition.
  - g. Advise the soldier to consult with a Legal Assistance Attorney for guidance on lawful disposal/sale of any privately owned firearms and ammunition.
  - h. Report effected soldiers on the Unit Status Report (USR) as non-deployable under the code LA.
  - i. Report effected soldiers to HQDA by using the assignment consideration code (ASCO) L9. Refer to MILPER Message 02-165, DTG 231120Z MAY 02, for further guidance.

AFZC-JA-AL

SUBJECT: Guidance on the Lautenberg Amendment

j. Not deploy effected soldiers for missions that require possession of firearms or ammunition.

k. Detail effected soldiers to TDA units or to duties that do not require them to bear individual weapons or ammunition until they determine whether a “qualifying conviction” exists. Commanders will also deny effected soldiers appointment to leadership, supervisory or property accountability positions that would give authority, responsibility, or access to weapons or ammunition.

l. Deny effected soldiers attendance at any service school where instruction with individual weapons or ammunition is part of the curriculum.

m. Counsel soldiers that inability to complete service schools may limit future promotion and career progression.

n. Effected soldiers are not eligible for overseas assignment but will complete their prescribed tours. (This does not include Alaska, Hawaii, or Puerto Rico.)

o. Soldiers with OCONUS assignment orders will be deleted through normal procedures.

p. All effected soldiers, who have already exercised any portion of their PCS entitlements, will comply with their overseas assignments.

q. Newly assigned soldiers with qualifying convictions, or those whom the commanders have reasonable cause to believe have such convictions, will not be assigned to TOE or MTOE units.

r. Effected enlisted soldiers may not reenlist and are ineligible for the indefinite reenlistment program. No waivers will be granted.

s. Effected soldiers who have reenlisted for options that require a CONUS-based PCS will proceed to their new duty assignment. Effected OCONUS soldiers may receive new assignment instructions from PERSCOM.

t. Effected soldiers who have reenlisted for retraining in a MOS where instruction includes weapons or ammunition training will be deleted from assignment instructions.

u. Effected officers with qualifying convictions may request release from active duty or submit an unqualified resignation. Reserve component officers not on active duty may submit an unqualified resignation or be considered for involuntary separation.

v. This retention policy is subject to the “Sanctuary Provisions” of 10 U.S.C. 1176, which allows enlisted soldiers with more than 18 years service but less than 20 years service to remain on duty until eligible for retirement.

AFZC-JA-AL

SUBJECT: Guidance on the Lautenberg Amendment

w. Separation: Commanders may initiate separation of an enlisted soldier, IAW AR 635-200, Enlisted Personnel, Chapter 14, or an officer, IAW AR 600-8-24, Officer Transfers and Discharges, Chapter 4, based on the conduct that led to the qualifying conviction.

x. Include Lautenberg Amendment instructions in all pre-command course plans of instruction.

y. A copy of HQDA message, 161400Z Oct 03, attached, will be displayed outside unit arms rooms.

3. Commanders and staff requiring assistance with Lautenberg Amendment issues should contact their servicing Trial Counsel or the Administrative and Civil Law Division, at 526-0618. Soldiers requiring individual advice should contact the Legal Assistance Division of the Office of the Staff Judge Advocate at 526-5572.

FOR THE STAFF JUDGE ADVOCATE:

Encl  
as

WILLIAM S. WHITMAN  
CPT, JA  
Administrative Law Attorney