



Firearms and Ammunition Prohibitions in the Military

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Several studies estimate the rate of intimate partner violence (IPV) perpetration in the military from 13.3 percent to 47 percent among male active duty servicemembers, and 13.5 percent to 42 percent among male veterans. While the intersection of IPV and the military is not a new issue, there has been a significant increase in public discussion regarding domestic violence, firearms, and the military due to the recent Texas church shooting in Sutherland Springs. Some of this discussion has involved the firearms and ammunition prohibitions found in the [Federal Gun Control Act \(18 USC 922\)](#).

The Federal Gun Control Act does contain a specific provision prohibiting firearm possession by anyone who receives a dishonorable discharge from the U.S. Armed Forces. Additionally, military convictions under the Uniformed Code of Military Justice, or UCMJ, may also trigger federal firearm prohibitions. For example, any military conviction that carries a possible sentence of more than one year triggers a lifetime prohibition, as do any that qualify as a misdemeanor crime of domestic violence under the [Lautenberg Amendment](#). While the lifetime firearm disqualification in the Lautenberg Amendment only applies to misdemeanor crimes of domestic violence, it is U.S. Armed Forces' policy to apply the lifetime prohibition to felony-level crimes of domestic violence as well. Notably, military convictions are permanent, so any and all resulting prohibitions based on the convictions remain in place even after a prohibited servicemember is discharged from the military.

The Federal Gun Control Act prohibition on anyone subject to a qualified domestic violence restraining order also applies to military servicemembers. The [Armed Forces Domestic Security Act](#) requires that such an order be given the same force and effect on military installations as in the jurisdiction of the court that issued the order. This Federal Gun Control Act's prohibition has an exemption for government employees who must carry a firearm in the performance of their duties. As such, a military commander may allow a servicemember subject to a protection order to do so, but it is within his or her discretion. Military commanders may also issue *military protection orders* against servicemembers that can prohibit access to military-issued weapons, as well as require surrender of personal firearms that are located on military installations. While enforceable by the military, military protection orders are generally not enforceable by civilian law enforcement and courts. However, the U.S. Armed Forces recently issued direction to all Services that they submit inclusion of military protection orders to the NCIC's Protection Order File. The intent behind this direction is to make such orders visible to civilian authorities and facilitate contact by them with military counterparts.

The ability for the Texas church shooter to purchase firearms despite his disqualifying court martial convictions has raised the issue of the military's reporting of relevant information to the federal government. U.S. Armed Forces' policy requires that the dispositions of an extensive list of UCMJ offenses – including all convictions – be reported to the FBI's Criminal Justice Information Services (CJIS) for inclusion in the National Crime Information Center (NCIC) files. In this case, the Air Force has reported that despite the requirement to do so, they failed to report the shooter's convictions to CJIS. Previous military investigations regarding the reporting of military case dispositions has identified a systematic problem throughout the U.S. Armed Forces. This case also raised a related issue that might be affecting the reporting of Lautenberg-qualifying offenses: The UCMJ, like many states' codes, does not include any *domestic violence-specific* offenses. In the military, domestic violence-related offenses are charged and tried as general offenses. While the "label" of the conviction does not determine whether a conviction is qualifying for Lautenberg purposes, as has been similarly considered in the state context, the generic labeling might affect accurate identification and reporting to CJIS.

The [Military & Veterans Advocacy Program](#), funded through a grant from the Department of Justice, Office of Violence Against Women, provides specialized training, technical assistance and resources to

*improve outcomes for military-related intimate partner violence and military sexual assault survivors **and** their families. Project activities focus on providing information and education regarding the intersection of combat-related conditions and intimate partner violence, improving collaboration between the military and civilian systems, and connecting military and veteran-related victims and survivors to resources and assistance. For further questions, please contact Brian Clubb, the program coordinator, at bclubb@bwjp.org or 571-384-0985.*