



**DEPARTMENT OF CORRECTIONS**  
**Human Resources**



<b>Title:</b>	<b>Compliance with the Federal Gun Control Act of 1968</b>	<b>DOC Policy: 20.1.4</b>
<b>Supersedes:</b>		
<b>Applicability:</b>	<b>All department employees who may receive or possess firearms within the course and scope of their employment.</b>	
<b>Directives Cross-Reference:</b>	<b>Federal Law 18 U.S.C. Sec 922(g)</b>	

**I. PURPOSE**

To implement the provisions of the Federal Gun Control Act of 1968 as amended on September 30, 1996.

**II. POLICY**

- A. All department appointing authorities shall identify all employees in their organization that are subject to the Act and ensure that each understands this department policy and is given the attached questionnaire to complete as prescribed below.
- B. All department employees who may receive or possess firearms within the course and scope of their employment shall:
  - 1. Review, complete and sign the attached questionnaire, form CD1369, and return it to their supervisor within fifteen working days of initial receipt;
  - 2. Review, complete and sign the attached questionnaire, form CD1369, prior to their annual firearms qualification and/or at their annual performance review;
  - 3. Be subject to department disciplinary proceedings up to and including dismissal for providing false statements or information on the questionnaire; and
  - 4. Report any pending citations related to any crime of domestic violence to your supervisor immediately upon receipt.
- C. For all department security personnel, including security managers, assistant superintendents for security, superintendents, the Department Chief of Security, the Assistant Directors for Institutions, selected positions in the Inspections Division, and the Department Director, the requirement to regularly, periodically, or potentially receive or possess firearms is considered an essential requirement of the job regardless of the post, duty

or works station assigned.

- D. Supervisors shall forward all completed questionnaires to their assigned Human Resources Consultant within ten working days of receipt. The Human Resources Consultant shall forward the completed questionnaires to the department's Personnel Records Unit for filing in the employee's personnel file. The Human Resources Consultant shall take the appropriate action to determine whether employees who have been convicted of a misdemeanor crime of domestic violence are disqualified from receiving or possessing a firearm.
- E. Employees who have been convicted of a misdemeanor crime of domestic violence shall be assigned, on a temporary basis, to duties that do not require receipt or possession of firearms pending the determination of their status under the Act.
- F. Employees who are disqualified under the Act may be placed in available and suitable department positions for which they are qualified as determined by the appointing authority. Suitable positions are those not requiring receipt or possession of firearms. If no such positions are available, the employee shall be terminated. Any department personnel who are disqualified from receiving or possessing firearms under the Act shall not be eligible for any department position described in paragraph II., C., above.
- G. Department appointing authorities of employees subject to this policy shall:
  - 1. Conduct a criminal history check of each employee within thirty days of the effective date of this policy;
  - 2. Conduct a criminal history check each year at the time of the employee's annual performance review; and
  - 3. Ensure that each employee signs the attached questionnaire, form CD1369, prior to the employee's annual firearms qualification and/or annual performance review and forward the form to the department's Personnel Records Unit for filing in the employee's personnel file.
- H. The department Human Resources Division shall implement procedures to ensure that all applicants selected for positions requiring the receipt or possession of firearms is not disqualified under the Act prior to their initial appointment to state service.

### **III. IMPLEMENTATION**

This policy will be adopted immediately without further modification.

**DEPARTMENT OF CORRECTIONS**  
**INQUIRY TO ALL EMPLOYEES WHO MAY RECEIVE OR POSSESS FIREARMS**  
**ON-DUTY REGARDING THE FEDERAL GUN CONTROL ACT OF 1968**

A change in the Federal Gun Control Act of 1968 makes it unlawful for an individual to receive or possess a firearm if the individual has been convicted of a misdemeanor crime of domestic violence. Corrections employees are not exempt from the provisions of the act. The law took effect on September 30, 1996 and covers misdemeanor convictions which occurred both prior to and subsequent to the effective date of the law. Accordingly, you are required to complete this questionnaire, sign and date it, and return it to your supervisor within fifteen working days of receipt per DOC Policy 20.1.4. The information obtained may affect the legal right of employees to receive or possess a firearm or ammunition, both on-duty and off-duty.

Department disciplinary action will be undertaken if you refuse to answer or if you fail to reply fully, accurately, and honestly. The answers you furnish may affect your employment status. If you provide false information, it may be used against you in department disciplinary proceedings.

If you have been convicted of a misdemeanor crime of domestic violence, you should understand that the department is not in a position to promise you that the authorities responsible for enforcing the Gun Control Act will not implement enforcement action against you.

A conviction for a "misdemeanor crime of violence" within the meaning of the federal law 18 U.S.C. Sec. 922(g), is an offense that:

- A. Is a misdemeanor under federal or state law; and
- B. 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 who 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 of the victim.

Please note that the disqualification imposed by this law does not apply to persons whose convictions have been expunged or set aside, or who have been pardoned or had civil rights restored, unless the expungement or other remedial action expressly provides that the person may not ship, transport, receive or possess firearms.

CD1369 (1/98)

**Effective Date: 07/15/98**



