
 DEPARTMENT OF CORRECTIONS Employee Services 		
Title:	Compliance with the Federal Gun Control Act of 1968	DOC Policy: 20.1.4
Effective:	3/20/24	Supersedes: 7/1/98
Applicability:	All department employees who may receive or possess firearms within the course and scope of their employment.	
Directives Cross-Reference: Federal Law 18 U.S.C. Sec 922(g)		
Attachment: Form – Federal Gun Control Act of 1968 (CD 1369)		

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 form 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 Federal Gun Control Act of 1968 form (CD1369) and return it to their supervisor within 15 working days of initial receipt;
 - 2. Review, complete and sign the Federal Gun Control Act of 1968 form (CD1369) prior to their annual firearms qualification or at their annual performance review, whichever occurs first;
 - 3. Be subject to department disciplinary proceedings up to and including dismissal for providing false statements or information on the form; 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 of security, superintendents, the Department Chief of Security, the Assistant Directors for Institutions, selected positions in the Office of the Inspector General, the Department Director and Deputy Director, and selected positions within Community Corrections, 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 work station assigned.

- D. Supervisors shall forward all completed forms to their assigned Senior Human Resource Business Partner within 10 working days of receipt. The Senior Human Resource Business Partner shall upload in the state human resource information system, the state's official personnel file. The Senior Human Resource Business Partner 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 (II)(C) above.
- G. Department appointing authorities of employees subject to this policy shall:
 - 1. Conduct a criminal history check of each employee within 30 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 Federal Gun Control Act of 1968 form (CD1369) prior to the employee's annual firearms qualification or annual performance review and forward the form to the Human Resource Manager to upload into the state human resource information system.
- H. The department Employee Services 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.

Certified: _____ signature on file _____
 Julie Vaughn, Rules Coordinator

Approved: _____ signature on file _____
 Heidi Steward, Deputy Director



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 15 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.



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

1. Have you ever been convicted of a misdemeanor crime of domestic violence as described on the reverse of this form?

Initial _____ YES: _____ NO: _____

2. If you answered YES to the first question, has the conviction been expunged, set aside or pardoned?

Initial _____ YES: _____ NO: _____

3. If you answered YES to the first question, to the extent available, provide the following information with respect to the conviction:

- a) Crime(s) of Conviction: _____
- b) Date of Conviction(s): _____
- c) City/County/State of Conviction(s): _____
- d) Court where Conviction(s) Occurred: _____
- e) Court Docket Number(s): _____

By my initials below, I certify I have received and reviewed the information in DOC Policy 20.1.4 and the information on the reverse of this form related to compliance with the Federal Gun Control Act of 1968.

_____ Initial

By my signature below, I hereby certify that all of the information provided by me is true, complete, and accurate. I understand that submitting false information on this self-certification form could result in disciplinary action against me, up to and including discharge from employment.

Institution or Other Work Location: _____

Printed Name: _____

Signature: _____ Date: _____