

LAUTENBERG FACT SHEET

On September 30, 1996, Title 18, United States Code, Section 922 (g)(9), was signed into law. This legislation makes it illegal for anyone who has been convicted of a misdemeanor crime of domestic violence to possess, receive, ship or transport any firearm or ammunition.

This law applies without exception to any person who has ever been convicted of a misdemeanor crime of domestic violence within the meaning of the statute. The inability of an individual to lawfully possess a firearm disqualifies that person from any position authorizing firearm privileges.

The position for which you have applied authorizes firearm privileges. Therefore, in order to determine your qualifications for this position, you must complete a certification form. Please carefully review the statute and all of the following information before responding to the inquiry.

QUALIFICATION INQUIRY

You must complete the Lautenberg Certification form and return it to Human Resources Management within 10 calendar days from the date of this letter. In completing this form, you are advised that:

- The purpose is to obtain information regarding your qualification to possess or receive firearms or ammunition.
- You must complete and return the form in a timely manner to receive consideration for the position to which you are applying. If you fail to complete and/or return the form in a timely manner you will automatically be deemed not qualified.

THE LAW

The Lautenberg Amendment to Title 18, U.S.C., Section 922 (g) provides:

(g) It shall be unlawful for any person --

(9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

As defined in 18 U.S.C. Section 921 (a)(33), a "misdemeanor crime of domestic violence" means an offense that:

- (i) is a misdemeanor under Federal or State law; and
- (ii) 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.

Section 921(a)(33) further provides:

(B)(i) A person shall not be considered to have been convicted of such an offense for purpose of this chapter, unless—

- (I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and
- (II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried either
 - (aa) the case was tried by a jury, or
 - (bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(B)(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

LAUTENBERG CERTIFICATION

Directions: You must complete PART I and PART II of this form. You should review the statute and the accompanying fact sheet before completing the inquiry.

PART I. Inquiry

Have you ever been convicted of a misdemeanor crime of domestic violence within the meaning of the statute?

Initial and date: YES _____ NO _____

If you answered "NO", skip to PART II of the form. If you answered "YES", you should review the fact sheet before providing the information requested below and completing PART II of the form.

Court/Jurisdiction: _____

Docket/Case Number: _____

Statute/Charge: _____

Date Sentenced: _____

PART II. Certification

I hereby certify that, to the best of my knowledge and belief, all of the information provided by me is true, correct, complete and made in good faith. I understand that a false statement on any part of this inquiry may be grounds for not hiring me or for firing me after I begin work. False or fraudulent information provided herein is also criminally punishable pursuant to federal law, including 18 U.S.C. 1001.

Print Name _____
(Last) (First) (Middle)

Signature _____ Date _____

Social Security Number _____