

Take action as directed in this Enclosure in all cases related to any potential prohibition on the receipt, possession, transportation, shipment, or transfer of firearms and ammunition under 18 USC 921 *et seq.* Where this Practice Directive requires specific entry on the RROT, include the language required for each identified prohibitor.

Prohibition	Actions by Trial Counsel
<p>Under Indictment (GCM only) 18 USC 922(d)(1) 18 USC 922(n)</p>	<ul style="list-style-type: none"> – On referral of any charge punishable by more than one year of confinement for trial by general court-martial, forward a copy of the referred charges to NCIS, CID, and PMO. – Inform the SJA to the convening authority that the accused is prohibited to receive, transport, or ship firearms or ammunition for personal purposes. – Notify detailed defense counsel in writing that receipt, transport, and shipment of firearms or ammunition for personal purposes is unlawful.
<p>Conviction of offense punishable by more than one year of confinement (GCM only) 18 USC 922(d)(1) 18 USC 922(g)(1)</p>	<ul style="list-style-type: none"> – Make the following entry in the Special Notifications section of the Report of Results of Trial: “The accused was convicted of an offense punishable by more than one year of confinement and is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 USC 922(g)(1) and 922(n).” – Notify detailed defense counsel in writing that receipt, possession, transport, and shipment of firearms by the accused for personal purposes is unlawful. – Inform the SJA to the convening authority that the accused is prohibited to receive, possess, ship, or transport firearms or ammunition for personal purposes. – Forward a copy of the RROT to NCIS, CID, PMO, and the SJA.
<p>Fugitive from justice (GCM/SPCM) 18 USC 922(d)(2) 18 USC 922(g)(2)</p>	<ul style="list-style-type: none"> – Notify NCIS, CID, and PMO in cases where the accused has left the state in which an investigation had been commenced or charges had been preferred against an accused, and the accused left that state in order to avoid prosecution. – Ensure command legal personnel forward a copy of the DD Form 553, Deserter/Absentee Wanted by the Armed Forces, to NCIS, CID, PMO, and the SJA.
<p>Unlawful user of a controlled substance (GCM/SPCM) 18 USC 922(d)(3) 18 USC 922(g)(3)</p>	<ul style="list-style-type: none"> – In cases tried by special and general courts-martial where a conviction is obtained, notify NCIS, CID, PMO, and the SJA by forwarding a copy of the signed RROT. – For Special Courts-Martial, inform the SJA to the convening authority that the accused is prohibited to receive, possess, transport, or ship firearms or ammunition for personal purposes for a period of 12 months following the conviction. – For General Courts-Martial, inform the SJA to the convening authority that the accused is permanently prohibited to receive, possess, transport, or ship firearms or ammunition for personal purposes. – For General Courts-Martial, make an entry in the Special Notifications section of the Report of Results of Trial as directed for cases involving conviction for an offense punishable by more than one year of confinement. – For Special Courts-Martial, make the following entry in the Special Notifications section of the Report of Results of Trial: “The accused was convicted of an offense punishable by more than one year of confinement and is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 USC 922(g)(3) and 922(n) for a period of 12 months following this conviction.” – Notify detailed defense counsel in writing that receipt and possession of firearms by the accused for personal purposes is unlawful.
<p>Mental incompetence (GCM/SPCM) 18 USC 922(d)(4) 18 USC 922(g)(4)</p>	<ul style="list-style-type: none"> – Where an accused is found incompetent to stand trial or not guilty by reason of lack of mental responsibility, notify NCIS, CID, PMO, and the SJA by forwarding a copy of any written findings of the military judge or, in acquittals, a signed copy of the RROT. – Inform the SJA to the convening authority that the accused is prohibited to receive, possess, transport, or ship firearms or ammunition for personal purposes until such time as the disability under 18 USC 922(g)(4) is removed. – Take necessary action to ensure compliance with Articles 50a and 76b.

<p>Dishonorable discharge 18 USC 922(d)(6) 18 USC 922(g)(6)</p>	<ul style="list-style-type: none"> – In cases tried by general courts-martial where a dishonorable discharge is awarded, notify NCIS, CID, and PMO by forwarding a copy of the signed RROT. – Inform the SJA to the convening authority that the accused is permanently prohibited to receive, possess, transport, or ship firearms or ammunition for personal purposes. – Make the following entry in the Special Notifications section of the Report of Results of Trial: “The accused was sentenced to a Dishonorable Discharge at a trial by general court-martial. Upon execution of that punishment following appellate review, the accused is permanently prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 USC 922(g)(6).” – Notify detailed defense counsel in writing that receipt, possession, transport, and shipment of firearms by the accused for personal purposes is unlawful.
<p>Restraining order (GCM/SPCM) 18 USC 922(d)(8) 18 USC 922(g)(8)</p>	<ul style="list-style-type: none"> – Where trial counsel learns that a service member is the subject of a civilian restraining order which meets the requirements of section 922(g)(8), obtain a copy of the restraining order and forward the order to NCIS, CID, and PMO. – Forward a copy of the order to the commanding officer of the service member restrained and the SJA advising that commander, with notice that the person restrained is prohibited to receive, possess, or transport firearms or ammunition for personal purposes. – If defense counsel has been detailed in the case, notify defense counsel in writing that receipt and possession of firearms by the accused for personal purposes is unlawful.
<p>Domestic violence (GCM/SPCM) 18 USC 922(d)(9) 18 USC 922(g)(9)</p>	<ul style="list-style-type: none"> – Where an accused is found guilty at special court-martial of any offense of domestic violence as that term is defined under 27 CFR § 478.11, make the following written entry in the remarks section of the Report of Results of Trial: “The accused was convicted of a misdemeanor crime of domestic violence and is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 USC 922(g)(9).” Include on the RROT the specific relationship of the accused to the victim in the Special Notifications section, using the specific term(s) identified in the CFR: “The accused is the [current or former] [spouse] [parent] [guardian] of the victim”; “The accused is a person with whom the victim shares a child in common”; “The accused [is cohabiting with] [has cohabited with] the victim as a [spouse] [parent] [guardian] [person similarly situated to a spouse, parent, or guardian].” Consult 27 CFR § 478.11 for additional details. – In cases tried by General Court-Martial where the accused is found guilty of any offense which would be a crime of domestic violence as defined in 27 CFR § 478.11, determine the maximum punishment for the offense of which the accused was found guilty. If punishable by less than one year of confinement, notify as with domestic violence cases tried by special courts-martial. In cases where the domestic violence offense of which the accused is found guilty is punishable by more than one year of confinement, notify as with other cases punishable by more than one year of confinement. Make the following written entry in the remarks section of the Report of Results of Trial: “The accused was convicted of a crime of domestic violence punishable by more than one year of confinement and is prohibited to possess firearms or ammunition pursuant to 18 USC 922(g)(1).” Include the relationship of the accused to the victim in the Special Notifications section as with cases involving a misdemeanor crime of domestic violence. – Forward a signed copy of the RROT to NCIS, CID, PMO, and the SJA. – Inform the SJA to the convening authority that the accused is permanently prohibited to receive, possess, transport, or ship firearms or ammunition for any purpose. – Notify detailed defense counsel in writing that receipt, possession, shipment, and transport of firearms by the accused for <u>any</u> purpose is unlawful.