

17 January 2014

Military Police

**REGISTRATION, POSSESSION, AND USE OF
PRIVATELY OWNED WEAPONS AND AMMUNITION**

Summary. This regulation prescribes policies and procedures for the registration, possession, and use of privately owned weapons and ammunition on Fort Huachuca. Changes include the mandate that all person(s) other than active duty service members (in a PCS status), register their privately owned weapon(s) prior to entering the installation; online weapons registration; deletion of two types of registration, Class D and Class E; and the addition of the prohibition of privately owned weapons in Fort Huachuca lodging facilities.

Applicability. This regulation applies to all individuals who enter or remain on Fort Huachuca with a privately owned weapon. Federal and State Law still apply, in addition to AR 190-11 and this supplemental regulation.

Supplementation. Supplementation of this regulation is prohibited without approval from the Directorate of Emergency Services.

Suggested improvements. The proponent of this regulation is the Directorate of Emergency Services, United States Army Garrison. Users may send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) through channels to Commander, U.S. Army Garrison, ATTN: IMHU-ES, Fort Huachuca, AZ 85613-7012.

Availability. This publication is available on the Fort Huachuca homepage at <https://fhintranet.hua.army.mil>.

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*This regulation supersedes FH Regulation 190-11, 10 January 2013.

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1. Purpose. In accordance with (IAW) Army Regulation (AR) 190-11, this regulation prescribes requirements for the possession and registration of privately owned weapons (POWs) on Fort Huachuca and provides information on State and local laws pertaining to the ownership and possession of weapons in the State of Arizona. A copy of Appendix A of this regulation is to be placed on all unit and activity bulletin boards on Fort Huachuca.

2. References.

a. Required publications.

(1) Section 1062, National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

(2) AR 190-11, Physical Security of Arms, Ammunition, and Explosives, 5 September 2013.

(3) AR 190-14, Carrying of Firearms and Use of Force for Law Enforcement and Security Duties, 12 March 1993.

(4) U.S. Army Intelligence Center of Excellence (USAICoE) and Fort Huachuca Policy 13-44, Registration of Privately Owned Firearms Purchased on Post by Fort Huachuca Residents and Limitation of Purchases by Students in Training, 4 Jun 2013.

b. Prescribed form. FH Form 190-6-R-E (Privately Owned Weapons Authorization/Acknowledgement Form), Oct 2011.

c. Referenced Forms.

(1) DA Form 2028 (Recommended Changes to Publications and Blank Forms), Feb 1974.

(2) DA Form 2823 (Sworn Statement), Nov 2006

(3) DA Form 3749 (Equipment Receipt), May 09

(4) DA Form 4137 (Evidence/Property Custody Document), Jul 1976.

3. Explanation of abbreviations.

a. AR..... Army Regulation

b. IAW....In Accordance With

c. NCO...Noncommissioned Officer

d. SC.... Senior Commander is the Installation Commander

e. USAICoE.... U.S. Army Intelligence Center of Excellence

4. Responsibilities.

a. The SC has clear authority and responsibility to regulate privately owned weapons, explosives, and ammunition on Army installations. The SC has delegated responsibilities under this regulation to the Garrison Commander.

b. Commanders are responsible for the control of privately owned weapons within their respective units/unit area.

c. The Provost Marshal Office, Directorate of Emergency Services provides for weapons registration.

d. The Staff Judge Advocate is responsible for ensuring this regulation is in accordance with applicable federal, state, and local laws and regulations.

e. All individuals with privately owned weapons on Fort Huachuca will comply with this regulation. Possession of privately owned weapons on Fort Huachuca is a privilege that can be revoked by the Garrison Commander upon information such as domestic

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violence conviction triggering the Lautenberg Amendment, concern about health and safety of Soldiers or Family Members.

5. Violations. The provisions of this regulation pertain to all persons assigned to, in temporary duty status, or employed on Fort Huachuca and their dependents and guests. In addition, all persons, including those specified above, who transport a privately owned weapon onto Fort Huachuca are subject to appropriate State and Federal Statutes. An active duty military member found in violation of this regulation is subject to administrative and/or judicial action under article 92, Uniform Code of Military Justice. Other persons are subject to administrative actions or prosecution in federal court under 32 CFR 210.3, 18 USC 1382 & 50 USC 797.

6. Registration policy/Lautenberg Amendment.

a. The state of Arizona does not require the registration of privately owned weapons; however, there are possession and use laws which are strictly enforced on the installation. Specifically, Fort Huachuca strictly enforces A.R.S. 13-3102, subsections 10 through 13; and A.R.S. 13-3108, subsection C.5.

b. All personnel stationed on Fort Huachuca, regardless of their status; Department of Defense employees and their family members; contractors and civilians who are not affiliated with Fort Huachuca who desire to maintain or transport a privately owned weapon on this installation will register the weapon(s) with the Military Police Station (Bldg 22336) within three (3) days upon entering the installation with the weapon. Paragraph 9 lists the types of registration issued.

c. Active Duty members who reside on the installation must register the weapon(s) with the Provost Marshal Office within three duty days. Weapon(s) and ammunition will be kept in the unit arms-room until weapon is registered. Paragraph 9 lists the types of registration issued.

d. Privately owned weapons will be registered by completing FH Form 190-6-R-E for each weapon registered. Weapons to be registered are not to be brought to the Military Police Station (Bldg 22336), only the bill of sale or other documentation indicating the make, model, and serial number is necessary. If documentation does not exist, a statement will be provided listing the required information and witnessed by the unit.

e. If a person is found to have an "unregistered" privately owned weapon in their possession, the weapon will be confiscated by the Military Police and the individual will be cited for failure to register a privately owned weapon. Once the weapon has been properly registered, and proof has been provided to the Military Police, the weapon will be returned to the owner.

f. The registration of privately owned firearms by person(s) described below is prohibited—

(1) Any person convicted of a felony (The Federal Gun Control Act of 1968, as amended in 1996).

(2) Any person convicted in any court of a misdemeanor crime of domestic violence or a felony (the Lautenberg Amendment to the Federal Gun Control Act of 1968, as amended in 1996). The Amendment--

(a) Makes it a felony for any person to sell or otherwise dispose of firearms or ammunition to any person he or she knows or has reasonable cause to believe has been convicted of a misdemeanor crime of domestic violence.

(b) Prohibits anyone who has been convicted of a misdemeanor crime of domestic violence from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition; or receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(3) Any person who is a fugitive from justice.

(4) Any person who has been convicted in any court of the possession, use, or sale of marijuana, dangerous or narcotic drugs (the term convicted includes nonjudicial punishment under Article 15 Uniform Code of Military Justice received for a drug offense as described herein).

(5) Any person who is presently declared as mentally incompetent or who is presently committed to any mental institution.

(6) Any civilian or Family member under the age of 18 is prohibited from the use of firearms, unless accompanied and supervised by a parent or legal guardian over the age of 18.

7. Registration required. The following items, not falling within the definition of prohibited weapons (see paragraph 16), are authorized to be brought onto the installation and must be registered:

- a. Shotguns.
- b. Rifles.
- c. Handguns.
- d. All war trophy weapons.
- e. Antique and replica firearms with operational firing mechanisms.

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f. Fully automatic weapons if properly registered with the Bureau of Alcohol, Tobacco, and Firearms, US Department of Treasury.

g. Curios and relics (such as shot pistols).

h. Shoulder stocked pistols and revolvers.

i. Muzzle loading weapons.

j. Black powder/privately owned weaponeer guns.

8. Registration not required. The following types of weapons do not require registration:

a. Air rifles and pistols and BB, pellet, and dart guns.

b. Regular bows and/or arrows.

c. Hatchets, knives, daggers, spears, or similar instruments with a blade or cutting edge.

d. Sling shots.

e. Boomerangs

f. Spear guns or similar devices.

g. Starter pistols.

h. Swords - Only if used as decorative items that are nonsharpened. For example swords that are mounted to a plaque or Coat of Arms or sheathed and on display.

9. Types of registration.

a. Class A registration permits the owner to retain the weapon in his or her family, bachelor, officer, or noncommissioned officer (NCO) quarters (excluding those located in barracks); unit arms room; or Sportsmen's Center (with written authorization from the unit commander). Class A registration applies primarily to Soldiers and/or their Family Members residing in family, bachelor, officer, or NCO quarters (excluding those located in barracks).

b. Class B registration permits the owner to retain the weapon on post in the arms room of his or her unit or the Sportsmen's Center (with written authorization from the unit commander). Class B registration applies primarily to Soldiers who live in the barracks.

c. Class C registration permits the sponsor of sanctioned shooting matches and/or similar sporting events to provide for the registration of participants with prior coordination with the Weapons Registration.

d. Whenever a Soldier transfers ownership of the registered weapon and/or the storage location changes; it is the Soldier's responsibility to notify his/her unit commander and the Military Police Station immediately.

10. Registration procedures.

a. Privately Owned Weapons are registered electronically at the Military Police Station during normal duty hours. Individuals may opt to complete the worksheet prior to physically going to the Military Police Station. They may do so by completing the form at this website <https://www.us.army.mil/suite/folder/16247308>. However, **WEAPONS ARE NOT REGISTERED UNTIL THE REGISTRANT HAS A SIGNED AND STAMPED COPY OF THE REGISTRATION FORM IN THEIR POSSESSION.** The information provided is used to specify the authorized storage location (address) of the weapon, provide the owner proof of registration, and provide commanders with a record of assigned or attached personnel who have registered a privately owned weapon on the installation. An expiration date (not to exceed 3 years) will be established at the time of registration. The electronically generated form will be retained by the individual registering the weapon and must be maintained with the weapon at all times.

b. When individuals out-process the installation or when a weapon is traded, sold, or otherwise disposed of, the registrant must return the electronically generated form to the Military Police Station. Additionally, the Military Police Station must be notified, in person, any time information on the registration form changes (i.e. address change or transfer of ownership) to ensure accurate information is maintained in the database.

c. The purchase of a POW on Post is regulated by USAICoE Policy 13-44. Any Service Member assigned, attached, mobilized, demobilizing, training, or present on Fort Huachuca, and every Soldier stationed elsewhere whose units fall under the General Court-Martial Convening Authority of this Headquarters must abide by this Regulation.

11. Registration briefing. At the time of registration, all personnel registering a weapon on Fort Huachuca will be required to read this regulation and sign an acknowledgment stating they understand the provisions of the regulation.

12. Storage.

a. Unit Commanders will--

(1) Store privately owned weapons of Soldiers residing in the barracks in the unit arms room IAW AR 190-11 unless they have provided the owner written authorization to

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store the weapon at the Sportsmen's Center or other location specified in Class B registration.

(2) Conduct inventories and storage of privately owned weapons in unit arms rooms. This will be conducted under the same criteria required with military weapons (AR 190-11). This also applies to privately owned ammunition.

(3) Ensure that Soldiers or Family Members who reside on the installation register their privately owned firearms and ammunition.

(4) Verify proof of legal ownership of firearms and that the individual is not prohibited from owning a firearm (para. 6g).

(5) Approve all requests, in writing, and forward the approval to the appropriate installation law enforcement or physical security organization responsible for firearms registration. This approval will also document that the Soldier or Family Member received appropriate safety training on the use and storage of the weapon and is knowledgeable of Federal, state, or local laws, or ordinances concerning firearms possession, use, and transportation.

(6) Establish limits on the quantity and type of privately owned ammunition stored in the arms room based upon availability of space and safety considerations.

(7) Ensure that inspections are conducted in accordance with AR 190-11 and this regulation to ensure proper storage and control.

(8) Process unauthorized Arms, Ammunition & Explosives IAW AR 190-11.

(9) Post applicable local regulations and state and local law information on ownership, registration, and possession of weapons and ammunition on unit bulletin boards.

(10) Brief all newly assigned persons on this regulation and all additional command guidance. All personnel will be made aware of changes.

(a) Weapons will be withdrawn only with the written authorization from the commander or his or her designated representative stating the date and time of withdrawal and date and time of return. DA Form 3749 (Equipment Receipt) will be used to receipt for the weapon withdrawn from the arms room. Unit policies will direct that the commander be notified immediately of any discrepancies in the date(s) and time(s) of withdrawal and return.

(b) Commanders will establish detailed policies to provide Soldiers access to their weapons for authorized activities during off-duty time and facilitate compliance with

this regulation. Units which do not have arms rooms will enter into a written agreement with a unit maintaining an arms room to meet this provision.

b. Under no circumstances will privately owned weapons be taken to or maintained within the barracks area.

c. The storage of privately owned weapons on-post in family, bachelor, officer, or NCO quarters (excluding those located in barracks) is authorized provided they have permission from their Commander and that appropriate safety and security measures are applied. Commanders are responsible for ensuring that weapons authorized for storage in quarters are properly secured and maintained IAW this regulation and AR 190-11. This should be accomplished by a physical inspection by the Commander. The following measures should be applied singularly or in combination to properly secure weapons:

(1) Store weapons unloaded and separate from ammunition. Ammunition should be stored in a separate locked container.

(2) Keep weapons out of reach or access to minor children.

(3) Store weapons with a trigger guard and/or other locking mechanism.

(4) Secure weapons in a locked gun cabinet and/or closet.

(5) Store weapons with the bolt removed. Bolts should be stored in a separate locked container.

d. Privately owned weapons and ammunition will not be stored in vehicles. (Exception -Motor homes see paragraph 12e)

e. Motor Homes and RVs that are inhabited and stationary on the installation are considered Quarters and are authorized to have weapons and ammunition as long as the safety precautions are met in para. 12c (1-5).

f. Privately owned weapons and ammunition will not be taken to or maintained in work areas.

g. Privately owned weapons (as described in paragraph 7) and prohibited weapons (as described in paragraph 16) and ammunition of any type are not authorized to be carried or stored in Fort Huachuca Lodging Facilities.

13. Off Post Regulation. The ability of a Commander to regulate the privately owned weapons of Soldiers who reside off-post is significantly limited, by Section 1062, National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383). This statute prohibits the Department of Defense from issuing any requirement, or collecting

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or recording any information relating to the otherwise lawful acquisition, possession, ownership, carrying or other use of a privately owned firearm by a member of the Armed Forces not kept on a military installation.

a. There are three stated exceptions to the off-post regulation. The first two apply when Service members are engaged in official duties and are in duty uniform with a Government Owned Weapon. The third exception allows Commanders to regulate privately owned weapons when a Soldier is under investigation, prosecution, or adjudication of an alleged violation of law, including matters related to whether a member of the Armed Forces constitutes a threat to the member or others. An alleged violation of the law or threat to self or others is necessary before the collection of off-post privately owned weapon information. Within this exception:

(1) Commanders who come to a reasoned conclusion (Based on direct observation and /or reports from friends, family or health care providers) that a Soldier is a threat to himself or others may initiate an investigation into the potential threat of violence.

(2) When a Commander believes a Soldier who resides off-post is a risk to self or others, the Commander may move the Soldier on-post (where the on-post rules for regulation of privately owned weapons apply) and/or request the Soldier voluntarily turn-in his/her privately owned weapon in for storage.

(3) Commanders should seek advice from their servicing Staff Judge Advocate prior to taking any action or collecting any information regarding privately owned weapons maintained off-post.

14. Transportation of privately owned weapons.

a. Privately owned weapons taken from authorized storage areas will be transported directly to places of authorized use by the most direct route. Upon completion of authorized use or repair, privately owned weapons will be returned directly to the place of authorized storage by the most direct route.

b. Privately owned weapons transported in vehicles will be placed unloaded in a holster, case, or scabbard and placed in the vehicle trunk, luggage compartment, locked compartment or placed in plain view, if the vehicle is not equipped with these storage areas. Ammunition will be transported in a separate container than the weapon(s) in a location where both the privately owned weapon(s) and ammunition are not within reach of the driver and/or passengers. Motorcyclists may transport unloaded weapons in a holster.

c. Privately owned weapons on persons will be carried unloaded, except while actually hunting or within the confines of an established shooting range. Weapons will not be concealed in any manner, regardless whether a State or County permit has been

obtained. Carrying a weapon in a holster, scabbard, or other carrier which makes it recognizable as a weapon is not considered concealed. No privately owned weapons, including those weapons listed in paragraph 8, will be loaded, unloaded, fired, or otherwise used in housing, troop buildings, or picnic areas. In addition, no privately owned weapons, including those listed in paragraph 8, will be loaded, fired, or otherwise used at any other location on the installation except in connection with officially sanctioned hunting or range firing.

d. Carrying of firearms by an officer, agent, or employee of a Federal agency, a state, or a political subdivision thereof while in an on-duty status, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law is allowed. Personnel who perform law enforcement duties in an off-duty status are not authorized to possess a firearm on an Army installation unless approved by the SC.

15. Authorized locations of use. All weapons listed in paragraphs 7 and 8 except martial arts "throwing stars" will only be used in authorized hunting areas and ranges. Martial arts "throwing stars" will be used (Note: they are prohibited below) only in actual training/practice under the supervision of a certified instructor.

16. Prohibited weapons. The following are prohibited weapons. However, this is not an all inclusive list:

a. Any weapon or explosive device which cannot be possessed lawfully under Federal or State law is prohibited on Fort Huachuca.

b. Any firearm capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger unless such firearm is registered in the national firearms registry and transfer records of the US Treasury Department or is classified as a curio or relic by the US Treasury Department.

c. Any rifle with a barrel length of less than 16 inches or shotgun with a barrel length of less than 18 inches, or any firearm made from a rifle or shotgun which, as modified, has an overall length less than 26 inches unless such firearm is registered in the national firearms registry and transfer records of the US Treasury Department or is classified as a curio or relic by the US Department of Treasury.

d. Knuckles of all types, such as brass knuckles or knuckle dusters.

e. Black jacks, slapjacks, and hand sandbags.

f. Zip guns.

g. Switch or slide blade knives.

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- h. Swords if sharpened and not used as a decorative item. See para 8h for exception.
- i. Throwing Stars.
- j. Knives with a blade 3 inches long or over, when carried concealed.
- k. Any type of weapon carried in a concealed manner, except folded knives with a blade less than 3 inches.
- l. Police/riot batons, expandable batons (except for use by police), nun-chuks, or other fighting sticks.
- m. Any type of exploding or dangerous burning device, to include dynamite, TNT, primer cord, blasting caps, firecrackers, fireworks, roman candles, sky rockets, torpedoes, cherry bombs, grenades, mines and bombs; the possession of which is not required in the performance of official military duties.
- n. Armor-piercing ammunition.
- o. A Firearm Silencer or Firearm Muffler for any weapon.

17. Turn-in policy and amnesty program.

- a. Firearms which an owner (active duty service members only) no longer wants may be turned into the Military Police desk to be destroyed. The Military Police Desk Sergeant will take the weapon and provide the owner a DA Form 4137, Evidence/Property Custody Document. The Military Police Desk Sergeant will then contact the on-duty Investigator, who will ensure that the weapon is destroyed, in accordance with regulations and SOPs.
- b. Firearms found on the installation will be turned into the Military Police Desk Sergeant and a statement (DA Form 2823, Sworn Statement) will be provided by the person(s) turning in the firearm stating the circumstances as to how the firearm was obtained.
- c. Ammunition which an owner no longer wants may be turned into the ammunition amnesty point at the Ammunition Supply Point.

18. Command briefing and training. Commanders will ensure that all assigned/attached personnel are briefed on the provisions of this regulation, AR 190-11, AR 190-14, and applicable state laws and provide any additional training on the safe handling of privately owned weapons, if needed.

19. Possession of weapons by minors. Minors will not possess or otherwise use any weapon listed in paragraphs 7 and 8 except in authorized areas of use under the supervision of and accompanied by an adult. THE CITY OF SIERRA VISTA, ARIZONA HAS ADOPTED SUCH AN ORDINANCE (Extract is below).

20. Sierra Vista Ordinance:

§ 131.02 Juvenile Gun Law.

(A) Except as provided in division (B) of this section, an un-emancipated person who is under 18 years of age and who is unaccompanied by a parent, grandparent, or guardian, or a certified hunter safety instructor or certified firearms safety instructor, acting with the consent of the un-emancipated person's parent or guardian, shall not knowingly carry or possess on his or her person, within his or her immediate control, or in or on a means of transportation, a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent, or guardian.

(B) This section does not apply to a person who is 14, 15, 16 or 17 years of age and is any of the following:

(1) Engaged in lawful hunting or shooting events or marksmanship practice at established ranges where the discharge of a firearm is not prohibited.

(2) Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.

(3) Engaged in lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

(C) If the minor is not exempt under division (B) of this section and is in possession of a firearm, a peace officer may seize the firearm and hold it until the agency returns the firearm to a parent or guardian or initiates forfeiture proceedings pursuant to A.R.S. Chapter 39 of Title 13.

(D) If the firearm is not returned to the parent or guardian pursuant to division (C) of this section, it shall be held by the law enforcement agency responsible for the seizure until the charges have been adjudicated or otherwise disposed of and until the conclusion of any forfeiture proceedings. Upon adjudication of a person for

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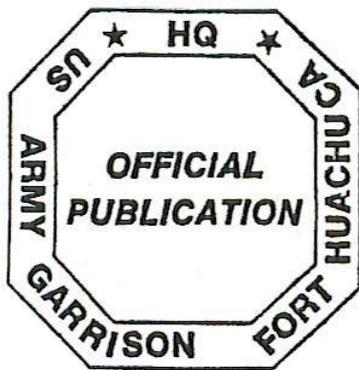
a violation of this section, the court in accordance with A.R.S. Title 13, Chapter 39 shall order the firearm forfeited and sold, destroyed, or disposed of otherwise.

(E) If the court finds that the parent or guardian of a minor found responsible for violating this section knew of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed pursuant to this section.

(F) This section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and convicted for any other criminal conduct involving the use or exhibition of the deadly weapon. For further information regarding the official version of any of this Code of Ordinances or other documents, please contact the Municipality directly.

IMHU-HRA

FOR THE COMMANDER:



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