DEPARTMENT OF THE NAVY
COMMANDER
NAVY REGION, MID-ATLANTIC
1510 GILBERT ST.
NORFOLK, VA 23511-2737

IN REPLY REFER TO:
COMNAVREG MIDLANT
INST 5820.2
PDPS
24 JAN 2005

COMMANDER, NAVY REGION, MID-ATLANTIC INSTRUCTION 5820.2

Subj: PRIVATE FIREARMS AND WEAPONS REGISTRATION, TRANSPORTATION, AND STORAGE ON COMMANDER, NAVY REGION, MID-ATLANTIC INSTALLATIONS

Ref: (a) COMNAVREGMIDLANTINST 11015.3
(b) COMNAVREGMIDLANTINST 11015.2A
(c) OPNAVINST 5580.1A
(d) OPNAVINST 5530.13C
(e) OPNAVINST 5530.14C
(f) 18 U.S.C. § 922
(g) USD (P&R) memo of 27 Nov 02
(h) CNO WASHINGTON DC 220949Z Apr 98 (NAVADMIN 085/98)
(i) NAVADMIN 234/04 of 20 Oct 04

Encl: (1) Private Weapon(s) Background Investigation Checklist
(2) Private Firearm(s) Registration and Storage
(3) DD Form 2760
(4) Authorization to Carry Private Firearm(s) Card

1. Purpose. To promulgate procedures for registration, transportation, use, and storage of private firearms and weapons.

2. Cancellation. SUBGROUP 5820, paragraph 5820.2 Weapons, of COMNAVREG MIDLANT/SOPA(ADMIN)HRINST 5400.1 is hereby cancelled and superseded.

3. Scope. This instruction is applicable to all Naval Installations and Family Housing Areas under cognizance of the Commander, Navy Region, Mid-Atlantic.

4. Firearms and Weapons

a. Definition of Terms:

(1) Firearms. Any device that, when operated, propels an object (to exclude bows and arrows) or any device that produces a visible or audible effect by combustion, explosion,

deflagration, or detonation, and shall include blank pistols, air guns, BB guns, electrical weapons (stun guns, etc.), and ammunition.

(2) Weapons. Any object used, displayed, offered, or brandished in any manner to inflict or instill fear of inflicting bodily harm, or any object that by its very nature would be considered by a reasonable and prudent person to have been designed for the purpose of inflicting bodily harm (e.g., blackjacks, steel knuckles, switchblade knives, bows and arrows, crossbows, martial arts weapons, etc.).

(3) Commercially sold, approved self-defense items, such as chemical defense sprays, are not considered weapons for the purpose of this instruction. For purposes of this instruction, simple possession of canes, walking sticks, crutches, baseball bats, or other recreational equipment is not considered to be a violation of this instruction. Brandishing or threatening with any of these types of items (or others) may result in apprehension of the individual, seizure of the item, and/or charges of assault, or assault and battery.

b. Clarification

(1) A knife with a blade three and a half inches (3-1/2") or less in length is considered a common pocketknife and is not considered a weapon, unless there is evidence that the pocketknife is possessed, carried, or used as a weapon.

(2) A blade of more than three and a half inches (3-1/2") will be considered a weapon unless there is evidence to show the knife is required for some other legitimate use. Determination of legitimate use is at the discretion of the Installation Commander. Unsharpened uniform swords are exempt.

(3) Within the intention of this instruction, a survival knife, marlin spike, or sheath knife used by flight crews, boatswain mates, riggers, members of Special Forces or U.S. Marine Corps while in a duty status are not included within the classification of a weapon. This also applies to any type of hunting knife when the individual in possession is on an authorized hunt, per reference (a). These items are not prohibited by this instruction in the absence of evidence that they were used, carried, or in the possession of a person for use as weapons.

c. Registration Check and Storage

(1) Each person desiring to register and store a firearm on board a naval installation within the Mid-Atlantic Region must obtain the approval of the Installation Commander. This approval shall be based on a review of the individual's background to ascertain character, reliability, and stability. Precinct Investigations Division will conduct a background investigation, utilize enclosure (1), and sign enclosure (2).

(2) The installation Security Officer may, in some individual instances, authorize the introduction of firearms on the station when requested for temporary storage, skeet shooting, or display purposes. Such requests will be approved for short durations for firearms to be transported to and from designated areas only with such transport being accomplished by the most direct route. Ammunition shall be stored in the vehicle away from the firearm during transport to the extent possible.

d. Storage of Firearms by Combined Bachelor Housing (CBH) residents. After registration, and if space allows, firearms shall be stored in the installation's Weapons Department armory. Firearms may not be stored in any other location on board the installation except as specifically provided for in this instruction.

e. Storage of Privately-Owned Firearms by shipboard personnel. Personnel shall register with the installation security office and follow procedures outlined in their ship's instructions.

f. Authorization for Temporary Transportation and Use of Privately-Owned Firearms and Weapons on board an Installation.

(1) Skeet Club members may bring their shotguns on board an installation, provided it is the day of the event. The firearm must be kept unloaded in the vehicle (with a trigger lock installed) and the owner of the weapon must have a valid Skeet Club Membership Card.

(2) Individuals bringing firearms or weapons on station for temporary use, e.g., a one-time event, must first coordinate with the event sponsor. The event sponsor will submit an approved list no later than 24 hours prior to the event to the

Security Officer. The Security Officer will approve temporary list and post at designated gate(s). Individuals authorized to bring firearms or weapons on board an installation under this paragraph will travel directly to and from the gate and event with no stops.

(3) Firearms and weapons are authorized for hunting purposes, per reference (a).

(4) Temporary storage of firearms and weapons in any enlisted barracks or Bachelor Officer Quarters are strictly prohibited at all times.

g. Firearm and Weapon Registration. In order to introduce and store a firearm on board a naval installation or in Government Family Housing, the following procedures will be used:

(1) A completed enclosure (2), "Private Firearm(s) Registration and Storage," and a "DD Form 2760," enclosure (3), must be submitted to the member's Commanding Officer. In accordance with reference (i), the requirement to sign a DD Form 2760 applies to all occupants of the Government quarters. Failure to execute the DD Form 2760 will result in a denial of authority to bring firearms or ammunition into Government Quarters. If recommended for approval, it must be forwarded to the Security Precinct. Security will conduct a background check of the applicant to ensure eligibility. If recommended for disapproval by the member's Commanding Officer, there is no need to forward the request.

(2) Upon final approval by the Installation Commander or his designated representative, the applicant will be provided a copy of the approved enclosure (2), "Private Firearm(s) Registration and Storage," and enclosure (4), "Authorization to Carry Personal Firearm(s) Card." Security Department personnel will enter firearm or weapon data into a firearms registration database and maintain until member's transfer, notification by member of sale or disposal of the firearm, or revocation of privileges. Firearms will be identified by manufacturer, model, serial number, and caliber/gauge, and must be equipped with a trigger lock.

(3) All firearms will be unloaded and secured with a trigger lock prior to transporting on station. Ammunition will be carried in the vehicle in the farthest most possible location away from the firearm. A valid authorization to carry a firearms card, enclosure (4), must be carried by the individual transporting the firearms. All firearms being transported must be listed on the authorization card. Any firearm not listed on the authorization card will be considered an unauthorized firearm. The failure to have the authorization card during transport of firearms will result in the firearms being considered as unauthorized firearms. Unauthorized firearms will be seized.

(4) Firearm(s) can be brought on board after completing required registration procedures. The armory will be notified when firearm(s) will be retained and stored on board an installation.

(5) If the firearm(s) are to be stored in the Installation Armory, based on armory availability, present enclosure (4) and the firearm(s) to be stored to the Armory Officer or his designated representative. The only Regional Installations with armories capable of storing private firearms are: Naval Station (NAVSTA), Norfolk; Naval Amphibious Base (NAVPHIBASE), Little Creek; Naval Air Station (NAS), Oceana and Naval Weapons Station (WPNSTA), Yorktown. The applicant will travel directly to and from the Armory and an authorized event with no stops.

(6) The Security Officer (or designated representative) will maintain a record of registered and stored privately-owned firearms.

(7) Personnel who have firearm(s) on board are required to update their information cards annually.

(8) The Weapons Officer and Armory personnel will provide the Security Officer with a list of all privately-owned firearms in their custody, quarterly. This information will consist of Owner/Model/Caliber/Gauge.

(9) When a firearm(s) is released to the owner, the owner will provide information indicating when the firearm(s) will be returned or a reason as to why the firearms(s) will not

be returned. Upon permanent removal from the installation, individuals will surrender enclosure (4) to the Installation Security Officer.

(10) When stored in Family Housing, firearms will be unloaded, with trigger mechanisms secured by a locking device that renders the firearm inoperable until removed. Firearms must be stored in a location accessible only to adult residents.

(11) Weapons, as defined in paragraph 4a(2), may be transported to and from, and stored in, Family Housing units without being registered. If stopped during an Administrative Vehicle Inspection (AVI) with weapons in the vehicle, the housing resident will inform the AVI Supervisor that he/she is a resident, and give the supervisor their home address. The supervisor will verify the individual is a resident via dispatch or the Watch Commander prior to making a decision to seize weapons and apprehend personnel.

(12) Gunpowder of any type is not authorized for storage in quarters.

(13) The Installation Commander may revoke the authorization to transport or store private firearms or weapons at any time.

h. Effects of Domestic Violence Convictions. In accordance with references (f) through (h), Domestic Violence Misdemeanor Amendment to the Gun Control Act of 1968 and DoD/DON implementing guidance, any person who has a qualifying conviction for a misdemeanor or felony crime of domestic violence is prohibited from possessing, receiving, shipping, or transporting any private firearm or ammunition on board naval installations or Family Housing within the Mid-Atlantic Region. Violations of Domestic Violence Misdemeanor Amendment to the Gun Control Act of 1968 may subject that individual to felony criminal penalties including imprisonment of up to 10 years and a fine of up to $250,000.00, as well as administrative actions.

(1) The term "qualifying conviction" means:

(a) any misdemeanor conviction of domestic violence and, in accordance with reference (g), any felony

conviction of domestic violence adjudged on or after 27 November 2002, in any state or Federal court, or special or general court-martial; and

(b) the convicted offender was represented by counsel, or the offender knowingly and intelligently waived the right to counsel; and

(c) if entitled to have the case tried by a jury, the case was actually tried by a jury, or the person knowingly and intelligently waived the right to a jury trial.

(2) The term "qualifying conviction" does not include summary court-martial convictions, imposition of non-judicial punishment (Article 15, UCMJ), deferred prosecutions, or similar alternative dispositions in civilian courts, and expunged, set aside, or pardoned convictions.

(3) The term "domestic violence" means an offense that has as its factual basis the use or attempted use of physical force, or threatened use of a deadly weapon, committed by:

(a) a current or former spouse, parent, or guardian of the victim, or

(b) a person with whom the victim shares a child in common, or

(c) a person who is cohabitating with, or has cohabitated with the victim as a spouse, parent, or guardian, or

(d) a person similarly situated to a spouse, parent, or guardian of the victim.

i. Effects of a Felony Conviction. Any person convicted of any felony (not limited to domestic violence) in any state or Federal court, or military court-martial, is prohibited from intentionally possessing, receiving, shipping, or transporting any private firearm or ammunition on board naval installations or Family Housing areas within the Mid-Atlantic Region, without prior approval of the Installation Commanding Officer (or designee).

j. Effects of Apprehension for Domestic Violence. Any person apprehended on board a naval installation or Family Housing area for a domestic violence offense shall have all private firearms and ammunition in their possession or registered to them immediately turned over to Naval Security Force (NSF) personnel; such firearms and ammunition will be retained by NSF until the final disposition of the offense.

(1) Upon a finding of "not guilty," deferred prosecutions or similar alternative dispositions in civilian or military courts, the firearm(s) and ammunition shall be returned to the individual to whom they are registered.

(2) Upon conviction of a domestic violence offense, the registered owner may not take possession of the firearm and ammunition, but may direct in writing, lawful disposition of the firearm(s) and ammunition (sale, transfer, destruction, etc.).

(3) This section does not apply to convictions by a summary court-martial or imposition of non-judicial punishment (Article 15, UCMJ).

(4) A victim of domestic violence, adult family members or other lawful residents of the household (over 18 years of age), may request that any private firearm and ammunition, whether or not registered to the apprehended offender, be removed from the residence by NSF personnel and retained by NSF pending the disposition of the case. Upon disposition of the offense, any retained firearm or ammunition may be disposed in accordance with paragraph 4j above.

k. Non-registered Firearms. No firearm or weapon will be transported, used, or stored on board any Mid-Atlantic Installation or Family Housing area unless previously approved in accordance with this instruction.

l. Law Enforcement Officer. City, county, state, and Federal Law Enforcement Officers are authorized to carry firearms on board the installation while in the performance of their duties or subject to immediate recall.

m. Conservation personnel assigned to the Regional Engineer, and while performing duties involving pest removal, Bird Abatement or other duties listed in references (a) and (b), are authorized to carry firearms on board the installation while in the performance of their duties.

n. Identified armored car guards are authorized to carry firearms on an installation in the performance of their duties. They must be escorted at all times by an agent of the command that has contracted them to perform the service.

o. The Use of Firearms or Weapons by Children

(1) The use, for any purpose whatsoever, of a firearm or a weapon, by any child (under 18 years of age), is prohibited unless such use is under the supervision and in the presence of an adult, and in accordance with reference (a).

(2) Any adult responsible for the welfare of any child, who knowingly permits such child to use any firearm or weapons in violation of the provisions of this instruction, shall also be in violation of this instruction.

p. Discharge of Firearms. No privately-owned firearms shall be discharged on board an installation, except on an approved shooting range, or designated hunting area.

q. Confiscation and Disposition of Firearms/Weapons Illegally Found on Installations. All firearms/weapons found on installation in violation of this instruction will be confiscated by Security Department Personnel and delivered to the Evidence Locker, with a full report describing the circumstances surrounding the confiscation. Confiscated firearms will not be returned in cases where charges are filed for violation of this instruction until after resolution of the charges. Any firearm/weapon, including archery equipment, used in an unauthorized manner will be confiscated. Disposal shall be effected through procedures outlined in reference (c).

r. Administrative and/or Criminal Sanctions. This instruction shall be strictly enforced within the Mid-Atlantic Region. Personnel who reside in Government Housing found to be in violation of this instruction shall be subject to removal

from housing. Appropriate administrative and/or criminal sanctions will be pursued against violators. Such actions may include, but are not limited to, forfeiture of confiscated firearms/weapons, a ban from area installations or Family Housing Areas, charges filed in Federal courts, court-martial, or Non-Judicial Punishment proceedings.

s. State issued "Concealed Weapons Permits" are not recognized on board any installation within the Mid-Atlantic Region.

S. A. TURCOTTE

Distribution: www.cnrma.navy.mil

PRIVATE WEAPONS BACKGROUND INVESTIGATION CHECKLIST

YES	NO	CRITERIA
		APPLICANT STATUS
		Under 18 Years of Age
		Illegal Alien
		Fugitive from Justice
		Received a Dishonorable Discharge from Military Service
		COURT ORDERS/PROTECTIVE ORDERS
		Subject to Restraining Order or Protective Order from a State or Federal Court
		Subject to Military Protective Order prohibiting possession of private firearm or weapon
		Under a "No Contact" order relative to a misdemeanor conviction for Stalking
		Under a court order prohibiting entry to a jointly owned or rented residence during divorce or custody proceedings
		CONVICTIONS
		Any Felony Charge pending
		Any Felony Conviction
		Misdemeanor Conviction for "Domestic Violence"
		DUI conviction within 3 years of the date of application
		Any Assault, Assault & Battery, Sexual Battery, Shooting from a Vehicle, Public Discharge of a Firearm, or Brandishing a Firearm conviction within 3 years of the date of application
		Any Controlled Substance Violation within 3 years of the date of application (including First Offender Status)
		Felony Level "Delinquency" conviction or finding within 16 years of (a) conviction, or (b) release from incarceration (whichever is later)
		Two or more misdemeanor convictions within 5 years of the date of application, if one is a Class 1 misdemeanor (Traffic Infractions and Reckless Driving convictions are excluded)
		COMPETENCE
		Acquitted of any crime by Reason of Insanity
		Adjudicated Legally Incompetent, Mentally Incapacitated, or Incapacitated
		Addicted to, Unlawful user, or distributor of Controlled Substance
		"Residential Setting" Substance Abuse or Mental Health treatment within 5 years of the date of application

_____
Date

PRIVATE FIREARM(S) REGISTRATION AND STORAGE

From: _____
To: Commanding Officer
Via: Security Officer

Subj: PRIVATE FIREARM(S) REGISTRATION AND STORAGE

Ref: (a) CNRMAINST 5400.1

1. Per reference (a), which I have read and understand, it is requested that I be permitted to register and store the following firearm(s) in my on-station residence, shipboard armory, or the Installation Armory. I understand that all firearms stored in my residence will have a trigger lock in place and be stored in a location accessible only to adult residents. This authorization may be revoked at anytime.

TYPE FIREARM (MANUFACTURER/MODEL/CALIBER/GAUGE) **SERIAL NO.**

(1)_____
(2)_____
(3)_____
(4)_____
(5)_____
(6)_____
(7)_____
(8)_____
(9)_____

NAME_____ _____
LAST FIRST MIDDLE DATE OF BIRTH

_____ _____
SSN RATE/RANK COMMAND/SQUADRON

_____
ADDRESS WHERE FIREARMS(S) WILL BE STORED

_____ TELEPHONE (H) (_____)_____
SIGNATURE (W) (_____)_____

==========
ENDORSEMENT (PARENT COMMAND - COMMANDING OFFICER)

Forwarded, recommending APPROVAL_____ DISAPPROVAL_____

_____
SIGNATURE DATE

Note: If disapproved by CO - No further action is necessary
==========

ENDORSEMENT (PRECINCT INVESTIGATIONS DIVISION)

Forwarded, recommending APPROVAL_____ DISAPPROVAL_____

_____
SIGNATURE DATE

==========

ENDORSEMENT (INSTALLATION ARMORY OR SHIP'S ARMORY) IF APPLICABLE

Forwarded, recommending APPROVAL_____ DISAPPROVAL_____

_____
SIGNATURE DATE

==========

ENDORSEMENT (PRECINCT SECURITY OFFICER)

Forwarded, recommending APPROVAL_____ DISAPPROVAL_____

_____
SIGNATURE DATE

==========

INSTALLATION COMMANDING OFFICER, OR DESIGNATED REPRESENTATIVE,

This request is APPROVED_____ DISAPPROVED_____

_____
SIGNATURE DATE

ACKNOWLEDGEMENT: UPON PERMANENT REMOVAL OF FIREARM(S), APPLICANT WILL SURRENDER THEIR FIREARMS REGISTRATION

_____
SIGNATURE DATE

Return this approval form to the Installation Security Officer for issuance of Authorization to Carry Private Firearms Card.

QUALIFICATION TO POSSESS FIREARMS OR AMMUNITION

PRIVACY ACT STATEMENT

AUTHORITY: 18 U.S.C. 922(g)(9); E.O. 9397.

PRINCIPAL PURPOSE(S): To obtain information to determine if you have been convicted of a crime of domestic violence which would disqualify you from shipping, transporting, possessing or receiving either Government-issued or private firearms or ammunition and to determine if reassignment, reclassification, detail or other administrative action is warranted. Your Social Security Number is solicited solely for purposes of verifying your identity.

ROUTINE USE(S): To the Department of Justice so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers, manufacturers or dealers) to determine whether individuals are qualified to receive or possess firearms and ammunition.

DISCLOSURE: Mandatory for all personnel who are required to certify. Failure to provide the information may result in (1) (military only) the imposition of criminal or administrative penalties for failing to obey a lawful order, and (2) (civilian only) the imposition of administrative penalties, to include removal from Federal service. However, neither your answers nor information or evidence gained by reason of your answers can be used against you in any criminal prosecution for a violation of Title 18, United States Code, Section 922(g)(9), including (military only) prosecutions under the Uniform Code of Military Justice, based on a violation of Section 922(g)(9), for conduct which occurred prior to the completion of this form. The answers you furnish and any information resulting therefrom, however, may be used against you in a criminal or administrative proceedings if you knowingly and willfully provide false statements or information.

SECTION I - INSTRUCTIONS

An amendment to the Gun Control Act of 1968 (18 U.S.C. 922) makes it a felony for anyone who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. It is also a felony for any person to sell or otherwise dispose of a firearm to any person so convicted.

The Department of Defense has, by policy, expanded the prohibitions contained in Title 18 Section 922(g)(9) to those military or civilian personnel who have felony convictions for crimes of domestic violence. Convictions of crimes of domestic violence do not include summary court-martial convictions, the imposition of nonjudicial punishment (Article 15, UCMJ), or deferred prosecutions (or similar alternative dispositions) in civilian courts. Furthermore, a person shall not be considered as having committed a "crime of domestic violence" for purposes of the firearms restriction of the Gun Control Act unless all of the following elements are present:

(1) the person was convicted of a crime;

(2) the offense has as its factual basis the use or attempted use of physical force, or threatened use of a deadly weapon;

(3) the convicted offender was at the time of the offense:
- (a) a current or former spouse, parent or guardian of the victim,
- (b) a person with whom the victim shared a child in common,
- (c) a person who was cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or
- (d) a person who was similarly situated to a spouse, parent, or guardian of the victim;

(4) the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel;

(5) if entitled to have the case tried by jury, the case was actually tried by jury or the person knowingly and intelligently waived the right to have the case tried by jury;

(6) the conviction has not been expunged or set aside, or the convicted offender has not been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess or receive firearms.

If you have ever received a domestic violence conviction: (1) you may not possess any firearm or ammunition; and (2) you must return any Government-issued firearm or ammunition to your commander or immediate supervisor; and (3) you must take steps to relinquish possession of any privately owned firearms or ammunition. Furthermore, any previously issued authorization to possess a firearm or ammunition is revoked.

If you have any questions, or you are uncertain if you have such a conviction, you may wish to contact a legal assistance attorney, if eligible, or a private attorney, at your own expense.

SECTION II - QUALIFICATION INQUIRY *(Complete and return to your commander or immediate supervisor within 10 days of receipt)*

1. HAVE YOU EVER BEEN CONVICTED OF A CRIME OF DOMESTIC VIOLENCE AS DESCRIBED ABOVE: *(Initial and date)*

YES	NO	I DON'T KNOW *(Provide explanation on reverse)*

2. IF YOU ANSWERED "YES" TO THE FIRST QUESTION, PROVIDE THE FOLLOWING INFORMATION WITH RESPECT TO THE CONVICTION:

a. COURT/JURISDICTION	b. DOCKET/CASE NUMBER
c. STATUTE/CHARGE	d. DATE SENTENCED *(YYYYMMDD)*

3. CERTIFICATION. I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, complete, and made in good faith. I understand that false or fraudulent information provided herein may be grounds for criminal and/or administrative proceedings, to include (if civilian) adverse action, up to and including removal, and (if military) disciplinary action under the Uniform Code of Military Justice. I further understand that I have a continuing obligation to inform my Commander or Supervisor should I be convicted of a crime of domestic violence in the future.

a. NAME *(Last, First, Middle Initial)*	b. RANK/GRADE	c. SOCIAL SECURITY NUMBER
d. ORGANIZATION	d. SIGNATURE	e. DATE SIGNED *(YYYYMMDD)*

DD FORM 2760, DEC 2002 PREVIOUS EDITION IS OBSOLETE.

PRIVATE FIREARM(S) AUTHORIZATION CARD

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION MID-ATLANTIC
REGIONAL SECURITY DIRECTORATE
AUTHORIZATION TO CARRY PRIVATE FIREARMS

NAME (Last First, MI)					Rate/Grade	
Command/Address						
Race	Sex	Age	Weight	Height	Eye Color	Hair Color
SSN			DOB		Issue Date	Expiration Date
Holders Signature				Approved (Signature, Rank, or Title)		

COMNAVREGMIDLANT 5820.2/1

Weapon Type	Serial #
Weapon Type	Serial #
Weapon Type	Serial #
Weapon Type	Serial #
Weapon Type	Serial #
Weapon Type	Serial #
Weapon Type	Serial #
Weapon Type	Serial #