

PROCEDURAL GUIDANCE MESSAGE

Name and Grade of Action Officer MSGT JOHN GEREAX				Office Symbol RSOPA		Series Number 106		Signature of Action Officer			Implementation Date:	
	To	Action	Initials/Date		To	Action	Initials/Date		To	Action	Initials/Date	
1	RSOP/ CCU	Coord	RSOP _____ CCU _____	5				9				
2	JA	Coord	JA _____	6				10				
3	RSO/ CCU	APPR	RSO _____ CCU _____	7				11				
4	RSOPA	X-MIT	_____	8				12				

FROM: HQ AFRS/RSO

SUBJECT: Domestic Violence

TO: All Recruiting Service Personnel

1. This PGM was transcribed from PROMIS Message 990027, dated 07 Dec 1998 based on the Laudenberg Amendment.
2. Individuals who have been convicted of a **misdemeanor (or felony)** crime of Domestic Violence (as specifically defined below) are ineligible to enter the Air Force. No waivers are authorized. Members in the DEP are not grandfathered.
3. The following is provided for your information and use in determining whether a particular "Domestic Violence" conviction renders someone ineligible for enlistment.

A person shall not be considered as having committed a disqualifying "Misdemeanor Crime of Domestic Violence offense " for purposes of the firearms restriction previously added to the gun control act, unless **all** of the following elements are present:

- A. The person was convicted of a misdemeanor crime;
- B. The offense had as an element the use or attempted use of physical force or threatened use of a deadly weapon;
- C. The convicted offender was at the time of the offense:
 - (1) A current or former spouse, parent, or guardian of the victim,
 - (2) A person with whom the victim shared a child in common,
 - (3) A person who was cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian or
 - (4) A person who was similarly situated to a spouse, parent, or guardian of the victim;
- D. The convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel;
- E. If entitled to have the case tried by jury, the case was actually tried by a jury or the person knowingly and intelligently waived the right to have the case tried by a jury;

- F. 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.
4. All commanders are responsible for ensuring a full understanding of these domestic violence criteria by all assigned recruiters and recruiting support personnel. Additionally, commanders should ensure that any questionable cases (either DEP or applicants) are promptly reviewed and resolved.
 5. Questions regarding what constitutes a "Conviction of Domestic Violence Offense" should be addressed to HQ AFRS/JA at DSN 487-3729 or commercial (210) 652-3729. Any questions regarding this PGM can be addressed to HQ AFRS/RSOPA at DSN 487-6188 or commercial (210) 652-6188 through your appropriate chain of command.

FOR THE COMMANDER

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RICHARD D. HANDLEY, Lt Col, USAF
Acting Chief, Operations Division