

**DEPARTMENT OF THE ARMY
10TH MOUNTAIN DIVISION (LIGHT INFANTRY) AND FORT DRUM
FORT DRUM, NEW YORK 13602-5000**

**10th Mtn Div (LI) & Ft Drum Regulation
No. 190-6**

6 December 1999

**Military Police
CONTROL OF FIREARMS, AMMUNITION AND OTHER DANGEROUS WEAPONS**

1. PURPOSE. This regulation prescribes procedures for registration and control of firearms, ammunition and other weapons on the Fort Drum Military Reservation.

2. SCOPE.

a. This regulation is applicable to all military personnel stationed at Fort Drum, New York, their family members, civilian employees, Army Reserve (USAR), National Guard (ARNG), and visitors to the installation.

b. This regulation does not apply to Government-owned weapons and munitions properly issued or used by an individual in the context of official duties or as authorized IAW AR 190-14.

c. This regulation outlines the responsibilities of individuals, commanders, and law enforcement agencies concerning the registration, storage, use and control of privately owned or possessed firearms, ammunition, and other weapons on the Fort Drum Military Reservation.

d. This regulation is punitive. Military personnel who violate the provisions of this regulation are subject to prosecution under the Uniform Code of Military Justice (UCMJ). Civilians who fail to comply with this regulation may be barred from the reservation and, in appropriate cases, may be prosecuted under applicable Federal or State laws. Assignment of family quarters may be terminated UP AR 210-50 for failure to comply with this regulation.

3. REFERENCES.

- a. AR 190-11 w/change 1, dated 12 Feb 98.
- b. AR 190-14.
- c. New York Penal Law, Sections 265 through 270.
- d. New York Penal Law, Sections 400-405.05.
- e. AR 190-40 Serious Incident Report, 14 Aug 85, w/FORSCOM supplement 1, 15 May 88

4. DEFINITIONS.

a. Authorized privately owned weapons include fire arms, B.B. guns, air pistols, pellet guns, paint ball guns, target and hunting bows, crossbows, spear guns, other projectile throwing devices and other weapons legally acquired by military personnel or civilians in compliance with federal, state, and local law. These weapons are authorized for ownership, but their registration, storage, transportation and use are subject to the provisions of this regulation.

***This regulation supercedes 10th Mtn Div (LI) & Ft Drum Regulation 190-6 dated 27 Aug 93.**

b. Firearms. Any revolver, pistol, rifle, shotgun, or other device designed to propel or capable of propelling a bullet or other projectile by means of an explosive discharge.

c. Ammunition. All cartridges and shot shells designed to be used in a firearm, to include blanks, primers, percussion caps, and powder for reloading or for use in muzzle-loading weapons.

d. Explosive and Incendiary Devices. Any explosive compound and any bomb, mine, grenade, rocket, self-propelled missile, detonator or dynamite cap, firecracker, any other item referred to as "fireworks," or similar device containing any explosive or incendiary charge.

e. Prohibited Weapons. Those weapons identified in paragraph 7 of this regulation, the possession of which is prohibited on the installation, and all other weapons the possession of which by private persons is illegal under state or federal law.

5. RESPONSIBILITIES.

a. The Directorate of Emergency Services (DES) is responsible for providing the registration point for authorized privately owned weapons that are brought onto or stored on the Fort Drum Military Reservation, and for enforcing the provisions of this regulation concerning the use, transportation, and security of privately owned weapons.

b. Unit commanders are responsible for:

(1) The security and control of authorized privately owned weapons and ammunition within their command. This responsibility will normally be accomplished by requiring the personnel residing in the barracks to keep individually owned firearms in the unit arms room and to establish a procedure for sign out, inventory, and periodic maintenance. Sign out procedures will include verification of a current valid New York pistol license prior to signing out a cartridge-firing pistol or revolver.

(2) Ensuring that members of their command comply with this regulation.

(3) Conducting inspections of unit areas to ensure health and welfare or unit readiness, to include inspection for prohibited or unregistered weapons, and that proper weapon storage and control procedures are being accomplished. Unauthorized weapon(s) found during these inspections will be seized and released to the Military Police. Once disposition of an alleged offense has been made by the appropriate authority, such weapon(s) will normally be returned to their rightful owners subject to the controls imposed by this regulation or other competent directive unless the weapon is contraband or a prohibited weapon under this regulation, state or federal law (e.g., sawed-off shotguns, silencers, grenades, etc.). In this latter case, the weapon will be destroyed in accordance with pertinent Federal Alcohol Tobacco & Firearms regulations. Disposition of unclaimed weapons will be in accordance with pertinent regulations.

c. Individuals will be responsible for:

(1) Ensuring that all authorized privately owned weapons are properly stored and, if required by this regulation, properly registered in accordance with paragraph 6a of this regulation. Temporary storage is available at the Military Police Station, Building P-10715, pending assignment to a permanent unit and for temporary duty not to exceed 72 hrs.

(2) Ensuring proper supervision of minors when using or in the vicinity of weapons.

(3) Turning over cartridge-firing pistols or revolvers for unit storage or storage by a licensed dealer within 24 hours of arrival on post unless in possession of a valid New York State pistol license and authorized to store in quarters by paragraph 5c of this regulation. Possession without a license is a criminal offense under New York Law and is also punishable under Article 134, UCMJ. Procedures for registration of handguns in New York State are outlined in Appendix A.

(4) Weapons registration must be cleared by The Directorate of Emergency Services upon PCS/ETS departure from Fort Drum.

6. REGISTRATION CONTROL AND POSSESSION OF PRIVATELY OWNED SMALL ARMS, AMMUNITION, AND OTHER DANGEROUS WEAPONS.

a. Personnel residing in Fort Drum family housing will register all privately owned firearms in their possession within 72 hours subsequent to permanent unit assignment on the installation or into an on post housing area. Firearms in temporary storage at the Military Police Station must be removed within 72 hours of assignment to a permanent unit by the unit armorer and the weapon(s) owner.

b. All military and civilian personnel entering the installation will deposit, store, safeguard, and control privately owned firearms and ammunition under the provisions of AR 190-11 except as specified in paragraph 6c and 6d below.

c. Individuals occupying on post family quarters, Bachelor Officer Quarters (BOQ), Visiting Officer Quarters (VOQ), or Senior Enlisted Bachelor Quarters (SEBQ) may retain authorized privately owned weapons and ammunition in their quarters. Firearms should be secured in a locked container. Ammunition and arrows should be stored in a locked metal container separately from firearms or bows. No cartridge-firing pistol or revolver may be kept in quarters unless the owner is in possession of a valid New York State pistol license. Unlicensed owners must store such handguns in their unit arms room or with a licensed firearm dealer.

d. Personnel residing in unit billets will store firearms, ammunition, and other authorized weapons in their unit's designated arms room. The keeping or storage of firearms, ammunition, and other weapons in individual barracks rooms or in privately owned vehicles on the installation is strictly prohibited.

(1) Firearms will be stored in the unit arms room IAW AR 190-11. Weapons, other than firearms, will be secured by the unit in a locked metal container. Other weapons may be stored in a supply-type facility provided that the items are stored in separate secure containers designed for the purpose of securing such weapons and proper accountability and control procedures are used. Issue procedures will be developed for these items to include sign out/sign in procedures and the maintenance of key control records.

(2) Commanders shall require Charge of Quarters/Staff Duty personnel to be knowledgeable of non-duty hours unit storage procedures for privately owned weapons and ammunition, which must include securing all firearms and ammunition in an approved arms storage room. Those articles purchased on the weekend or holiday may be temporarily stored at the Military Police Station if the unit duty NCO verifies the unit arms room is not available.

e. Authorized privately owned weapons, including but not limited to firearms, pellet guns, paint ball guns, and bows, will not be transported or used on the military reservation except for the following purposes:

(1) Purchase, repair, sale, or shipment.

(2) For target practice or shooting on authorized ranges or elsewhere when approved by the person in charge of the range or site. At no time will any type of privately owned weapon be discharged or fired in any on or off-post government leased housing area. Civilian personnel found to be violating this paragraph will be charged under Title 18, Section 1864, Hazardous or Injurious Devices on Federal Lands.

(3) For lawful hunting on Fort Drum in authorized areas when in possession of a valid New York hunting license and valid installation recreation permit.

(4) For lawful hunting off post when in possession of a valid hunting license.

(5) By civilian and military personnel when in the performance of official duty and authorized by competent authority.

(6) Weapons transported pursuant to subparagraphs 6e(1), 6e(2), 6e(3), and 6e(4) will be unloaded and will not be left unattended at any time.

f. Persons under 16 years of age will not possess authorized privately owned weapons unless accompanied by an adult who will be responsible for the observance of all safety requirements.

g. The borrower of an authorized privately owned firearm, when possessing another's firearm must also possess a copy of the owner's evidence of registration (AFZS-ES-LE Form 10, Registration of Personal Firearms) and the owner's written permission to use the firearm.

h. Privately owned ammunition may be stored in facilities approved for storage of government ammunition provided that the ammunition is stored in a secure container separate from government-issue ammunition, military weapons, and privately-owned weapons.

7. CARRYING OF CONCEALED WEAPONS.

a. The carrying of a knife with a blade over 4 inches in length or any firearm or other weapon such as a club, stick, length of hose, chain, or pipe concealed upon the person or concealed in the passenger compartment of a vehicle is prohibited unless authorized by the Installation Commander. Local, State and Federal Civilian Law Enforcement Officers may carry concealed weapons while performing official duties. If otherwise authorized by law, possession of a New York concealed weapon's license WILL NOT authorize the carrying of a concealed weapon upon Fort Drum unless approved in writing, in advance, by the Installation Commander.

b. Carrying a straight razor concealed upon the person or concealed in the passenger compartment of a vehicle is prohibited unless:

(1) The razor is in the original sealed package and being transported home after purchase or returned for exchange or credit, accompanied by a sales slip or receipt.

(2) The razor is packed in a shaving kit or other baggage.

8. PROHIBITED ACTS.

a. The following articles are defined as dangerous weapons or material, the possession, sale, or manufacture of which by military and civilian personnel is strictly prohibited, except as required by official duty as indicated in paragraph 6e above.

(1) Any knife commonly referred to as a switch blade, which opens by the operation of a button, switch, spring or other device in the handle of the knife, whether the blade is opened by the force of a spring, by gravity, or otherwise.

(2) Any explosive or incendiary device.

(3) Any brass knuckles or any device designed to be worn or cupped in the hand while striking another individual.

(4) If carried upon the person, in an automobile or if possessed in unit billets, any club, blackjack, slapper, sap, numchuck, police nightstick, or any other device intended or designed to be used as a bludgeon.

(5) Any shooting pen or other pressure, spring, or percussion-type device designed to appear innocuous, but manufactured for the purpose of discharging a projectile, irritant or toxic agent. Martial arts throwing star or any other device designed to propel a harmful object or substance at another.

(6) Any sword cane.

(7) Any fully automatic weapon, rifles with barrels less than 16 inches in length, shotguns with barrels less than 18 inches in length, any pistol made from a rifle or shotgun, and silencers.

a. No loaded firearm will be carried, stored, kept, or transported in any vehicle, except by local, state, or federal law enforcement personnel performing official duties.

b. Firearms kept in quarters as authorized by paragraph 5c of this regulation will not be loaded or charged in quarters except in the event of an immediate threat to life and limb justifying the use of deadly force in self-defense of one's person or of another.

The proponent of this regulation is the Directorate of Emergency Services. Users are invited to send comments and suggested improvements on a DA Form 2028, (Recommended Changes to Publications and Blank Forms) through channels to Directorate of Emergency Services, 10715 Mt Belvedere Blvd., Fort Drum, New York 13602-5027.

FOR THE COMMANDER:

OFFICIAL:

**BRYAN K. STEPHENS
Colonel, GS
Chief of Staff**

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**DISTRIBUTION:
DES - 100**

APPENDIX A REGISTRATION OF PRIVATELY OWNED HANDGUNS

1. PURPOSE. To provide guidance for soldiers and their family members regarding registration and possession of personally owned handguns.

2. APPLICABILITY. This appendix is applicable to all military personnel possessing personally owned handguns who are under the command and control of the Commander, 10th Mountain Division (LI) and Fort Drum, and civilians residing in family housing.

3. It is a crime in New York State to have a privately owned handgun on your person, in your automobile, or in your quarters or home, unless you have been issued a New York State Pistol License. A violation can result in arrest, trial, or confinement of up to 1 year in jail and a \$1,000 fine from the civil authorities or trial by courts martial and may receive the following disciplinary or administrative penalties:

- a. A Dishonorable Discharge.
- b. Confinement at hard labor.
- c. Forfeiture of all pay and allowances.
- d. Reduction to E-1.
- e. Revocation of security clearance.
- f. Suspension of all favorable personnel actions.

4. If living in family housing, and one does not possess a New York State Pistol License, the handgun(s) must be stored in the unit arms room or arrange for a registered firearms dealer or gunsmith to pick up the handgun(s) for temporary storage until a New York license has been obtained. Personnel residing in the barracks must keep all weapons in the unit arms room, whether or not they possess a New York State Pistol License (Reference AR 190- 11, Physical Security of Arms, Ammunitions and Explosives).

5. Military personnel reporting to Fort Drum with privately owned handguns and ammunition may store them temporarily in the 177th MP Detachment Arms Room, MP Station, Bldg. P-10715, for 72 hours if the below prerequisites have been met:

- a. They have not been assigned to a unit.
- b. They arrive after duty hours and their unit of assignment arms room is closed.

DES will store weapons overnight or over the weekend. Desk sergeants will receive the weapon/ammunition on DA Form 4137, Evidence Custody Document.

c. To apply for a New York State Pistol License, one must be at least 21 years of age and be physically located in New York State at the time of application. Application requirements vary from county to county. One must apply through the Sheriff's Department of the county in which they reside. Ordinarily, applicants must have references in the county in which they reside. Relatives may not be references. However, local procedures have been accepted by The Sheriffs of Jefferson and Lewis Counties and the County Clerk's Office in St. Lawrence County for the issuance of pistol licenses for our military personnel. Since the application form calls for four local character references and most soldiers will not have any long term acquaintances, copies of military records and a commander's recommendation must be submitted to establish a soldier's character. References must be from the soldier's chain of command when local references are not available. Soldiers may pick up application packets at their applicable licensing office and bring their completed packet to the unit commander for a letter of recommendation (approval or denial) to the Sheriff or County Clerk's Office.

6. Commanders should check the packet for the following:
 - a. Local address (must be in same county where applying).
 - b. Age (must be at least 21).
 - c. Privacy Act consent form (must be signed by the soldier to release information).
 - d. Page one of the application form (what the soldier said about his character).
 - e. ETS or loss date (no sense applying if soldier has less than 1 year left in New York).
 - f. Copies of previous pistol licenses for weapons being registered.

7. The soldier should provide the commander with copies of the following forms from his MPRJ:
 - a. Enlistment and reenlistment contract.
 - b. DA Form 2-1 (Identification Data) and 2A (Personnel Qualification Record).
 - c. DA Form 873 (Certificate of Clearance).
 - d. Other documents such as letters of recommendation, reprimands, Article 15s.

8. Commanders must review. The following list illustrates some of the things to look for:
 - a. Arrests or convictions.
 - b. Drug and alcohol involvement.
 - c. Article 15s and adverse actions.
 - d. Security clearance or lack thereof.
 - e. Medical profiles, specifically, psychiatric history.
 - f. Suspenses of favorable personnel actions.
 - g. Family members, if any.
 - h. MOS, past, and present duty assignments.
 - i. Awards and schooling.

9. Do not rely on only the information from the soldier.
 - a. Contact the personnel officer to verify that the soldier has not omitted important documents from his packet (i.e., an Article 15 or courts-martial).
 - b. Request DES to do a previous offense check (apprehensions, domestic disturbances, etc.).
 - c. Contact the security officer to verify the degree of clearance.
 - d. Review unit files and consult unit NCOs.
 - e. If the soldier made recent CONUS-to-CONUS PCS, call his last unit for input. If the soldier recently came from overseas, pay very close attention to his MPRJ and security file.

10. Provide the soldier with a letter recommending approval or disapproval of his application. Attach copies of pertinent documents from the soldier's MPRJ to the letter of recommendation.

11. Outline of Commander's letters, as applicable:
 - a. Address:
 - (1) Sheriff, Jefferson County, 753 City Center Drive, West, Watertown, New York 13601.
 - (2) Sheriff, Lewis County, P.O. Box 233, Outer Stowe Street, Lowville, New York 13367.
 - (3) Pistol License Section, County Clerk's Office, Canton, New York 13617.
 - b. Commander's recommendation for approval or disapproval.

c. Comments on soldier's character. If the commander knows the soldier, include an opinion in the letter, discuss his reputation in the unit, discuss any adverse material in his file (Article 15s, Reprimands, etc.), as well as commendatory information, family, awards, etc., to give a well-rounded picture of the soldier.

d. List the contacts made to obtain the information considered. Negative reports are important too. (i.e., DES has nothing on file.)

e. Attach the following enclosures:

- (1) DA Form 2-1 (Personnel Qualification Record or ORB for officers).
- (2) DA Form 2A (Identification Data).
- (3) DA Form 873 (Certificate of Security Clearance).
- (4) All enlistment contracts.
- (5) Any adverse personnel actions.
- (6) Commendatory matters.

12. Notify the soldier to pick up his packet and letter after Commander's completion and review. The soldier will then file his application at the appropriate location as indicated in paragraph 11.a.

13. For any questions, please contact your local County Sheriff's Department or County Clerk's Office, if residing in St. Lawrence County.

14. An individual transporting a handgun in New York State without first obtaining a license has committed a felony punishable with a heavy fine and imprisonment. Soldiers who receive handguns in their household goods or hold baggage must immediately place the weapon in the unit arms room or have it stored in the 177th MP Detachment Arms Room, MP Station, Bldg. P10715, for up to 72 hours if their unit arms room is closed. The weapon may also be mailed by a gun dealer from a soldier's present location to a New York State gun dealer for a nominal fee. The handguns will be held by the dealer until a license is acquired. However, there is no guarantee New York State will approve every license application. To avoid a problem of having an unregistered handgun or having to store the weapon with a New York State gun dealer, first obtain a New York State Pistol License. It is recommended that the commander strongly discourage soldiers from bringing handguns into New York State for the aforementioned reasons. Arms room personnel should not release any handgun to its owner or any other person unless the owner or person provides proof of a valid New York pistol permit required for transport of a weapon.

15. There is no licensing requirement for possession of a shotgun or a rifle. However, the person possessing one of these weapons must be over the age of 16, have no conviction for a serious felony, be a U.S. citizen and not intend to use it unlawfully against another person. All weapons, to include rifles, shotguns, pellet and BB guns, and any weapon that fires a projectile must be registered on Fort Drum with DES.

16. Hunting with a pistol and also use of a pistol at indoor or outdoor pistol ranges requires a New York pistol license.

17. When an individual that does not possess a valid New York pistol permit is attempting to leave Fort Drum the following procedures apply: The individual may retain the services of a registered gun dealer at the individual's expense to receive the pistol from the Arms room for the purposes of shipment to the state or country of the individual's destination or the individual may have the pistol shipped with household

goods but first must coordinate with the Directorate of Logistics (DOL) and the carrier to ensure the carrier is aware that firearms will be in the shipment. If the firearms are going to a state that requires a permit, the individual shall obtain a permit before shipment of the weapon occurs.