Post-Trial Gun Control Act of 1968 Reporting Requirements

	Actions by Trial Counsel
Post-Trial Method of notification to CGIS	– As required in reference (c), trial counsel has the responsibility to submit the Statement of Trial Results (STR) to CGIS. – Entry into the National Instant Criminal Background Check System (NICS) is required when a member is: • Convicted at a GCM for any offense punishable by more than one year of confinement (regardless of actual confinement awarded); • Convicted for unlawful drug use; • Found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 76b of the UCMJ; or • Convicted by a SPCM or GCM of a crime of domestic violence. – If an accused receives a full acquittal, notify CGIS of the acquittal by providing the STR in order to allow the cognizant CGIS to update the relevant databases. This is particularly important for GCM cases, as criminal justice information about the accused was previously reported to NCIS and entered into NICS after charges were referred, per 18 USC 922(n). If acquitted, NCIS needs to ensure the accused is removed from NICS.
Conviction of offense punishable by more than one year of confinement (GCM only) 18 U.S.C. § 922(g)(1)	– Trial counsel will mark the applicable section in the Statement of Trial Results (STR) that the conviction triggers firearm possession prohibition in accordance with 18 U.S.C. § 922(g)(1). – Trial counsel will send the STR to CGIS via email, as stated above. – Ensure CGIS, the convening authority, and defense counsel are served with the STR containing the appropriate notice.
Fugitive from justice (GCM/SPCM) 18 U.S.C. § 922(g)(2)	– Trial counsel will ensure commands notify CGIS; in cases where after charges have been preferred, the accused has left the state in order to avoid prosecution.
Unlawful user of a controlled substance (GCM/SPCM) 18 U.S.C. § 922(g)(1) 18 U.S.C. § 922(g)(3)	– For GCMs, the STR should include indicating the following: "The accused was convicted of an offense punishable by more than one year of confinement and was found to be an unlawful user of a controlled substance. He/She is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 U.S.C. § 922(g)(1)." • If the maximum punishment for the offense of which the accused was found guilty is punishable by one year or less of confinement, the notification process is the same as SPCM below. – For SPCMs, the STR should include indicating the following: "The accused was found to be an unlawful user of a controlled substance. He/She is prohibited to receive, possess, ship, or transport firearms or ammunition for a period of 12 months following this conviction pursuant to 18 U.S.C. §

	922(g)(3)." – Ensure CGIS, the convening authority, and defense counsel are served with the STR containing the appropriate notice.
Mental incompetence (GCM/SPCM) 18 U.S.C. § 922(g)(4)	– Where an accused is found incompetent to stand trial or not guilty by reason of lack of mental responsibility, trial counsel will notify CGIS; by forwarding a copy of any written findings of the military judge or, in acquittals, a signed copy of the STR. – Trial Counsel will mark the applicable section in the STR that the findings trigger firearm possession prohibition in accordance with 18 U.S.C. § 922(g)(4). – Ensure the convening authority, and defense counsel are served with the STR containing the appropriate notice. – Trial counsel will send the required criminal justice information spreadsheet to the cognizant CGIS via email, as stated above. – Trial counsel will take necessary action to ensure compliance with Article 76b.
Dishonorable Discharge or Dismissal 18 U.S.C. § 922(g)(6)	– Trial Counsel will provide a copy of the signed STR to CGIS. Prior to forwarding the STR, the trial counsel will ensure the STR reflects that upon the completion of appellate review, the accused is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 USC § 922(g)(6). – Ensure the convening authority, and defense counsel are served with the STR containing the appropriate notice.
Domestic violence conviction (GCM/SPCM) 18 U.S.C. § 922(g)(1) 18 U.S.C. § 922(g)(9)	– Where the accused is convicted of a violation of Article 128b, UCMJ, Trial Counsel should mark the appropriate entry in the STR for cases involving a conviction of a crime of domestic violence as follows: • For SPCMs: "The accused was convicted of a misdemeanor crime of domestic violence. He/She is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 U.S.C. § 922(g)(9)." • For GCMs: • If the maximum punishment for the offense of which the accused was found guilty is punishable by one year or less of confinement, notify as above (same as SPCM) • If the maximum punishment for the offense of which the accused is punishable by more than one year: "The accused was convicted of a crime of domestic violence. He/She is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 U.S.C. § 922(g)(1). – Ensure CGIS, the convening authority, and defense counsel are served with the STR containing the appropriate notice.

	– Trial counsel will notify defense counsel in writing that receipt, possession, shipment, and transport of firearms by the accused for ***any*** purpose is unlawful. – Trial counsel will include the specific relationship to the accused is noted in the STR, as defined by per 27 CFR § 478.11. – Trial Counsel will send the STR to the CGIS via email, as stated above.