

Headquarters  
United States Forces Korea  
Unit #15237  
APO AP 96205-5237

United States Forces Korea  
Regulation 190-16

15 June 2014

**Military Police**

**REGISTRATION AND CONTROL OF PRIVATELY OWNED FIREARMS**

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**\*This regulation supersedes USFK Regulation 37-25, dated 23 May 2011.**

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FOR THE COMMANDING GENERAL:

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**Summary.** This regulation prescribes policies, responsibilities, standards and procedures for; acquiring, registering, safeguarding and disposing of privately owned firearms (POFs), introducing POFs into the Republic of Korea, and controls for processing, using, and carrying POFs. Violation of any provision of this regulation may subject the offender to disciplinary action under the Uniform Code of Military Justice (UCMJ) or adverse administrative action for civilian personnel.

**Change of Summary**

- Changed Defense Reutilization and Marketing Office (DRMO) to Defense Logistics Agency – Disposition Services Gimchon Korea (DLA-DSGK) on paragraph 4-3.
- This revision provides a periodic update with minor changes.

## **Applicability.**

a. Unless otherwise stated, this regulation applies to all active duty members of the United States Armed Forces (including active duty, activity for training, and annual training) who are assigned to United States Forces Korea (USFK).

b. The following individuals when they are physically present in Korea:

(1) All individuals subject to U.S. military justice jurisdiction under Article 2(a), Uniform Code of Military Justice (UCMJ).

(2) All U.S. citizen civilian employees of the Department of Defense (DoD), non-appropriated fund (NAF) and Army Air Force Exchange Services (AAFES) employees supporting USFK.

(3) All dependents of U.S. service members and U.S. citizen employees of the DoD, NAF and AAFES supporting USFK.

c. All marksmanship clubs, rod and gun clubs, and any other similar organizations that own or use Privately Owned Firearms (POF).

d. All contractors, contractor personnel and their family members are required to store their POFs at the local Korean National Police (KNP) armory, in accordance with (IAW) Republic of Korea (ROK) law.

**Supplementation.** Except where noted, subordinate commands may not issue further supplementation, command or local forms to this regulation without obtaining approval from USFK Provost Marshal (FKPM-S), Unit #15237, APO AP 96205-5237.

**Forms.** USFK forms are available at <http://www.usfk.mil/usfk>.

**Records Management.** Records created because of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information System website at <https://www.arims.army.mil>.

**Suggested Improvements.** The proponent of this regulation is USFK Provost Marshal (FKPM-S). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the USFK Provost Marshal (FKPM-S), Unit #15237, APO AP 96205-5237.

**Distribution.** Electronic media only (EMO).

## **CONTENTS**

### **Chapter 1**

#### **General, page 1**

- 1-1. Purpose
- 1-2. References
- 1-3. Explanation of Abbreviations and Terms
- 1-4. Responsibilities
- 1-5. Policy

### **Chapter 2**

#### **Registration of Privately Owned Firearms, page 5**

- 2-1. Procedures for Registration
- 2-2. Registration and Renewal Process
- 2-3. Transfer of Ownership
- 2-4. Deregistration or Cancellation of Firearm Registration

### **Chapter 3**

#### **Storing, Issuing, Carrying, Lending and Borrowing Privately Owned Firearms, page 7**

- 3-1. Storing Privately Owned Firearms and Commercial Ammunition
- 3-2. Issuing Privately Owned Firearms
- 3-3. Carrying Privately Owned Firearms
- 3-4. Lending or Borrowing Privately Owned Firearms

### **Chapter 4**

#### **Clearance, In-Country Transfer and Shipment, page 11**

- 4-1. Cancellation of Registration
- 4-2. Reports of Lost, Stolen, and Recovered Firearms
- 4-3. Privately Owned Firearms Disposition Procedures
- 4-4. Impounding Prohibited Firearms

### **Chapter 5**

#### **Privately Owned Firearms under Noncombatant Evacuation Orders, page 14**

- 5-1. Evacuation Orders
- 5-2. Withdrawal of Registration Privileges
- 5-3. Exceptions to Policy

#### **Appendixes, page 16**

- A. References
- B. Example: "Consent for Disposition of Prohibited Privately Owned Firearm"
- C. Example: "Certification and Verification of Inert Certificate"

#### **Glossary, page 20**

## **Chapter 1**

### **Introduction**

#### **1-1. Purpose**

This publication prescribes policy, responsibilities, and procedures for:

- a. Acquiring, registering, safeguarding and disposing of privately owned firearms (POFs).
- b. Introducing POFs into the Republic of Korea.
- c. Controls for processing, using and carrying POFs.

#### **1-2. References**

Required and related publications and forms are listed at appendix A.

#### **1-3. Explanation of Abbreviations and Terms**

Abbreviations and terms used in this regulation are located in the glossary.

#### **1-4. Responsibilities**

- a. The Provost Marshal, United States Forces Korea (USFK), will:
  - (1) Operate and maintain a registry of POFs that are owned by members and organizations identified in the Applicability (in the Republic of Korea).
  - (2) Provide guidance to commanders on the following:
    - (a) Registration, re-registration and procedures for transfer of ownership.
    - (b) Safeguarding privately owned firearms (POFs).
    - (c) Transportation of POFs.
- b. Customs Division, USFK Provost Marshal Office, will:
  - (1) Ensure all POFs entering ports of entry are confiscated by customs officers.
  - (2) Issue DA Form 4137 (Evidence/Property Custody Document) to the owner for confiscated POFs.
  - (3) Release the POF to the owner only after the owner obtains permission in writing from their Commander to store the POF in the unit arms room.
  - (4) Comply with accountability and storage procedures required by AR 190-11 and AR 710-2 when in the custody of Customs Division.
  - (5) Publish firearms guidance for import and export of POF owned by members and organizations identified in Applicability.
- c. Commanders of organizations, units and activities, will:
  - (1) Comply with this publication.

(2) Ensure individuals within their organization, unit and activity are familiar with the requirements of this publication and comply.

(3) Ensure that individuals owning POFs properly register and deregister their privately owned firearms.

(4) Ensure that no individual abandons a POF.

(5) Report all thefts or losses of POFs immediately to the local Provost Marshal Office, Chief, Security Forces, Navy/Marine Security Forces, or Korean National Police (KNP) if the loss or theft occurred off the installation.

(6) Ensure physical security storage and accountability requirements for POFs are IAW with AR 710-2, AR 190-11, Air Force Instruction (AFI) 31-101, or OPNAVINST 5530.13 and applicable supplements.

d. Individuals owning or in possession of POFs will:

(1) Comply with this publication.

(2) Ensure that all POFs owned or in their possession are properly registered in accordance with this publication.

(3) Ensure that their registration (Renewal) is updated when the registrant's date eligible for return from overseas (DEROS) is changed.

(4) Ensure proper transfer of ownership and disposition of POFs in accordance with this publication.

(5) Comply with the security requirements for POFs.

## **1-5. Policy**

a. Persons specified in the applicability statement at the beginning of this publication may acquire, own, and register POFs, unless the firearm is restricted by the U.S. National Firearms Act, or a competent authority (glossary) denies this entitlement.

b. Reservists may not purchase POFs in the Republic of Korea when they are on active duty unless their tour of duty is for more than 1 year, and all requirements of this publication have been met.

c. No person may:

(1) Possess a POF (including starter pistols) for self-defense, or for protecting persons or property.

(2) Carry a concealed POF.

(3) Carry a POF while performing official duties.

(4) Acquire, register, or possess POFs if they are--

- (a) Under 18 years old.
  - (b) Under 21 years old, unless the POF is a rifle, shotgun.
  - (c) Under charges for or have been convicted in a court of law for a Crime punishable by confinement for 1 year or more as listed in the Manual for Courts-Martial or for a similar offense listed in the United States Code (USC).
  - (d) Determined to be of doubtful character or reliability, lacking good judgment or lacking the responsibility necessary to use a firearm safely.
  - (e) Been convicted of a misdemeanor crime of domestic violence; Title 18 U.S.C., 922.
- (5) Acquire, possess, use, or carry a POF that has not been properly registered according to this publication.
- (6) Acquire, possess, use, or carry at any time any destructive device or other prohibited firearm identified in the U.S. National Firearm Act, ATF (Alcohol, Tobacco, and Firearms) Publication 5300.4, UNC/USFK Regulation 190-41 and USFK Regulation 27-5 while in the Republic of Korea.
- (7) Acquire, possess, handle, or transport propellant powder, except as authorized by a gunpowder permit issued by the Korean authorities.
- (8) Produce ammunition (including reloading).
- (9) Sell privately owned firearms to local national citizens, third country nationals or tourists. This action is strictly prohibited.

d. The determination in subparagraph 1-5c(4)(d) above will be made by an officer in the grade of O-5 or higher who is nearest in the chain of command or supervision over the person concerned (or that person's sponsor).

- (1) Only the following may be used as a basis for the determination:
- (a) Abuse of alcohol, drugs, or a substance having similar effects.
  - (b) Habitual violence. (Including acts of Domestic Violence)
  - (c) Misconduct bearing a reasonable and substantial relationship to individual qualifications.

(2) The person concerned will be informed in writing of the determination. The decision may be appealed to an officer in the grade of O-6 or higher who is nearest in the chain of command or supervision over the officer who made the adverse determination. The decision of the appellate authority will be final.

e. The persons in paragraph 1-5e(1) through (3) below are the approval authorities for USFK Form 190-16A-E (US Forces Korea Application for Registration/Renew/Cancel A Firearm). They may not delegate this approval authority. No individual may approve his or her own application. Officers holding positions over those listed below may approve applications for personnel in those

positions:

(1) The first O-4 or above commander in the applicant's (or applicant sponsor's) chain of command in US Forces Korea.

(2) Area or Base Commanders. (Per USFK Reg 10-2)

(3) The Commanding General (CG), USFK, Service Component, 2d Infantry Division, or 19th Expeditionary Support Command.

f. Persons and organizations will:

(1) Register their POFs unless the firearms are physically outside of Korea. This requirement also applies to persons who act as agents to acquire firearms for other individuals or organizations, if applicable. When a person acquires a firearm on behalf of a sport center, or other organization, he or she must register the firearm. All POFs regardless if owned by a private organization will be registered to an individual in accordance with this publication.

(2) Promptly present appropriate documents showing authorization to acquire, register, or keep any POF in their possession to the following on request:

(a) Military Police, Security Forces, or Naval Security Officer.

(b) Unit commanders.

(c) Investigative personnel of any military service.

g. Approval authorities (paragraph 1-5e above) will:

(1) Ensure individuals in Applicability, when purchasing, or otherwise acquiring a POF, become familiar with the requirements of this publication, before approving USFK Form 190-16B-E (Authorization for Storage of Privately Owned Firearms in a Department of Defense (DoD) Arms Storage Facility), USFK Form 190-16A-E and USFK Bill of Sale.

(2) Approve these forms (paragraph 1-5g(1) above) only after certifying that a determination of the character or reliability of the applicant has been completed (paragraph 1-5d above). The certification will state that to the knowledge of the certifying official, the applicant has not been or is currently not under investigation for any offense during the past 5 years.

(3) Authenticate on the reverse side of USFK Form 190-16B-E (Authorization for Storage of Privately Owned Firearms in DoD Arms—Storage Facility) the statement of reliability, only when, in the judgment of the approval authority, the applicant meets all the requirements in (paragraph 1-5h below). In validating the applicant's ability to meet these requirements the approval authority will review the applicant's military personnel record jacket (MPRJ), or equivalent civilian personnel files, and conduct a local police check.

h. Applicants must:

(1) Be at least 18 years old (shotguns/rifles only) or 21 years old for handguns.

(2) Not have had an application for registration of a firearm USFK Form 190-16A or B previously withdrawn.

(3) Use firearms and ammunition carefully.

(4) Handle and store weapons and ammunition IAW this publication and all applicable regulations and policies.

(5) Prohibit others (who do not have the legal authority to use firearms and ammunition) from using the applicant's firearms and ammunition.

(6) Have no record of:

(a) Federal, State or Courts-Martial Convictions.

(b) Criminal offenses under the influence of alcohol.

(c) Serious or frequent law violations.

(d) Criminal offenses, criminal offenses against hunting laws, nature-protection laws, laws on arms, the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(7) Be of sound mental health and have no record of being declared by a court of competent jurisdiction to lack legal capacity.

(8) Be free from addiction to alcohol or drugs.

**NOTE:** If the applicant has been convicted of offenses listed above, or if the applicant has ever been convicted of an offense and sentenced to confinement by a court of competent jurisdiction, approval authorities may not approve the person's application until 5 years after completion of the confinement.

## **Chapter 2 Registration of Privately Owned Firearms**

### **2-1. Procedures for Registration**

a. Registration of privately owned firearms is an annual requirement.

b. Registration of all privately owned firearms in the USFK Weapons Registry is Mandatory. Registration of all POFs will occur within 3 business days of arrival of the POF to Korea. Only the DoD sponsor (Military or Civilian) will conduct registration of the POF. Failure to comply with this requirement could result in UCMJ or other punitive actions.

c. Registration of POFs to Units/Agencies or Privately Organizations is prohibited (For example, mass registry of weapons for Boy Scouts of Korea). In the USFK all POFs will be registered and associated to a person.

d. DoD Personnel who ship POF(s) on official Government Travel Orders or who later purchase a POF while assigned to Korea will register the POF in the USFK Weapons Registry at the local Installation or Base Pass & ID/Registration Office.



e. The sponsor must register or verify his/her personal information in the Database Identification System (DBIDS) Registry. Upon verification of personal data in DBIDS, the Pass & ID/ Registration Office will input POF data into the DBIDS Weapons Registry and issue a valid DBIDS generated POF registration form to the sponsor.

## **2-2. Registration and Renewal Process**

To Register POFs the following documents must be presented at the Pass & ID/Registration Office:

- a. Valid DoD ID Card.
- b. Copy of Permanent Change-of-Station/Assignment orders that authorized the shipment of the POF to Korea.
- c. Proof of Ownership or Bill of Sale.
- d. Customs Release Forms.
- e. Completed and signed USFK Form 190-16B-E.
- f. Completed and signed USFK Form 190-16A-E.
- g. All POF Registrations are valid for 1 year. All POFs will be renewed annually. For renewal, the sponsor must submit the current POF registration issued by the Pass & ID/Registration office along with an updated USFK Form 190-16B-E, signed by the Commander authorizing continued storage of the sponsor's POF. The Pass & ID office will update and re-issue a new POF DBIDS generated registration form.
- h. Failure to renew POF registration will cause it to be impounded and/or deemed abandoned. The owner/sponsor will bear the cost of disposition of the POF by USFK and may be subject to UCMJ or other legal sanctions for failure to comply with this regulation.
- i. If the DoD sponsor shipped or brought the POF to the Korean Theater (USFK) without official US government travel orders, the sponsor must present the documents that authorized legal export/import from the exiting country to the Republic of Korea, along with USFK Customs authorization for import of the POF.

## **2-3. Transfer of Ownership**

A sponsor may sell or otherwise transfer ownership of a POF to another person who is authorized to own and register a POF in USFK. To sell or transfer a firearm:

- a. The buyer and seller will be present at the Pass & ID/Registration Office.
- b. The seller must present the current POF DBIDS generated registration form and Bill of Sale for the POF to be sold.
- c. The buyer will present USFK Form 190-16B-E signed by his/her commander approving storage of the POF in an authorized arms room or armory and a completed/signed USFK Form 190-16A-E.

d. The Pass & ID/Registration Office will annotate the *seller's* DBIDS generated registration form as "VOID" and indicate in the DBIDS Weapons Registry the date and reason for the voiding action.

**REMINDER:** Sale of privately owned firearms to local national citizens, third country nationals, or tourists is prohibited.

## **2-4. Deregistration or Cancellation of Firearm Registration**

a. All DoD personnel who have POFs will cancel their registration when any of the following occur:

- (1) A sponsor leaves this command with official permanent change of station (PCS) orders.
- (2) The sponsor becomes ineligible to register POF due to retirement or separation.
- (3) The sponsor legally disposes of the POF.

b. Retirees living in Korea, or who are retiring in Korea and have no affiliation with USFK, are not authorized to register POF in the USFK Weapons Registry. Personnel who retire and continue to reside in Korea will:

- (1) Deregister all POFs from the USFK Weapons Registry and legally remove the POF from USFK property.
- (2) Provide substantiating documentation for all POFs de-registered. (Example: Shipped to the U.S., sold to authorized DoD member, demilitarization by the supporting Defense Logistics Agency – Disposition Services (DLA-DS), or registered with, and stored by Korean National Police.

## **Chapter 3**

### **Storing, Issuing, Carrying, Lending, and Borrowing POFs**

#### **3-1. Storing POFs and Commercial Ammunition**

a. Persons with POFs registered with the U.S. Forces, Korea will store their POFs stored in an arms room, armory, or other authorized arms, ammunition and explosive (AA&E) storage facility meeting the requirements of AR 190-11, Appendix G or applicable service component regulations.

(1) All security and accountability procedures apply as outlined in AR 190-11 and AR 710-2 and AR 710-2-1 or applicable service component regulations for storage and accountability of AA&E.

(2) No person may store a POF in their or someone else's quarters.

(3) Individuals not identified in the Applicability paragraph of this publication are not authorized to store their POF in any arms room or armory on the installation, (for example; a ROK Officer, ROK Enlisted, Korean Augmentee to the United States Army (KATUSA), Contractor, etc). These individuals must store their POF off the installation in accordance with Korean Law.

(4) Storage of commercial ammunition will be IAW the Area Commanders' safety policies and arms, ammunition and explosives safety standards.

b. When a POF is moved to a new storage area, the commander responsible for the overall security of the arms storage facility must initiate USFK Form 190-16B-E to the Installation Pass & ID/Registration Office to ensure registration information remains accurate and is updated in the DBIDS Weapon Registry.

c. Individuals will not establish or operate ammunition reloading stations.

d. Commanders will ensure POFs and commercial ammunition is protected on their installations and facilities, and designate areas in the installation armory, unit arms rooms, or other authorized AA&E storage facility to store POFs and commercial ammunition. Commanders will:

(1) Secure POFs in the installation armory, unit arms rooms, or other approved AA&E storage facility.

(2) Protect POFs using the same security measures, to include inventory and accountability procedures, which are required for Government arms and ammunition.

(3) Issue a receipt (DA Form 3749, Equipment Receipt or other service component form) to the owner for each POF secured in these facilities.

(4) Inventory POFs in conjunction with, and at the frequency of the inventory of Government weapons.

(5) Determine the limitations of the quantity and type of privately owned ammunition based upon availability of space and safety considerations.

(6) Post applicable local regulations and local law information on ownership, registration, and possession of POFs and ammunition in unit areas.

(7) Prohibit retention and storage of incendiary devices and explosives.

e. Personnel keeping or storing POFs and ammunition on a military installation will:

(1) Comply with local regulations on ownership, possession, registration, transportation and use.

(2) Store POFs in accordance with this publication or other authorized AA&E storage facility as authorized by the installation commander.

(3) Withdraw their POF and ammunition from the unit arms rooms only with written approval of the unit commander. (paragraph 3-4b below).

(4) Ship or store POFs as personal property, if authorized, per Defense Transportation Regulation (DTR), DoD 4500.9-R, Part IV (Personal Property), Chapter 409.

(5) Comply with the National Firearms Act of 1968 when bringing POFs into the United States.

(6) Surrender their DA Form 3749 (Equipment Receipt) whenever they temporarily withdraw POFs from a unit arms room.

**NOTE:** When the owner permanently withdraws a POF (for example, when returning to the United States) the receipt will be surrendered and destroyed. United States Air Forces Korea (USAFK) units will use Air Force Form 1297 (Temporary Issue Receipt).

f. POFs and ammunition will not be stored in motor vehicles.

g. During non-duty hours, POFs will be stored in facilities meeting the requirements of this publication, AR 190-11 or the applicable service component regulations. The storage area will be protected by a certified, approved intrusion detection system (IDS) or be under continual armed guard surveillance.

h. POFs stored in unit arms rooms will be tagged with the following information:

(1) Name, grade, social security number (SSN), and date eligible for return from overseas (DEROS) of the owner.

(2) The make, caliber or gauge, and serial number of the weapon.

(3) Expiration date of the registration.

(4) A copy of the DBIDS generated firearms registration form will be maintained on file in the arms room or armory.

### **3-2. Issuing Privately Owned Firearms**

a. A separate weapons issue log will be used to issue POFs.

b. Before issuing a privately owned firearm, the armorer must receive a memorandum from the commander responsible for the arms room or arms storage facility approving the withdrawal of the firearm. DA Form 3749 (Equipment Receipt) or equivalent for USAF or other service components, from the owner of the firearm. No POF will be issued without the commander's approval memorandum and a DA Form 3749 or service equivalent.

c. The armorer will verify that the POF is properly registered by comparing the DA Form 3749 against the DBIDS generated firearms registration form to verify that the weapon is currently registered by the owner.

**NOTE:** Annual renewal of POF registration is mandatory. If the individual's current registration is expired, or the expiration of registration will expire during the timeframe of withdrawal, the POF will not be issued. The individual will be informed to report to the nearest Pass & ID/Registration Office to renew their firearm registration. The armorer will immediately notify the Commander responsible for the arms storage area.

d. When b and c above have been accomplished the armorer may issue the POF by completing the weapons issue log.

e. When the individual returns the POF, the armorer will verify the weapon serial number against the DA Form 3749, ensure the POF is properly signed in on the weapons issue log, properly secure the POF, and return the DA Form 3749 to the owner.

f. The weapons issue log will be kept until the next monthly sensitive items inventory is conducted. The log may be destroyed after the monthly sensitive inventory unless the inventory

reveals a discrepancy (for example, the POF is still signed out), in which case the log will be kept until the discrepancy is resolved.

### 3-3. Carrying Privately Owned Firearms

- a. POFs will not be carried during field training exercises by anyone under any circumstances.
- b. Persons being deployed to a country outside of Korea for any reason will not carry their POFs with them.
- c. A copy of the DBIDS generated registration form and commander's authorization for removal of POFs or firearm from the unit arms room will be carried by the owner at all times.

d. POFs may be carried on the installation only if:

(1) Traveling to or from participation in lawful sporting or range firing events on the installation and only when the owner has been granted authorization in writing (by the commander) to remove the POF from the unit arms room in which the POF is stored. The appropriate American authorities must authorize these events. Upon completion of the event firearms will be returned immediately to the storage facility or temporarily stored in a facility IAW the required construction criteria. (AR 190-11, Appendix G or DoD 5100.76-M). The facility will be equipped with a functional intrusion detection system (IDS).

(2) Traveling to and from a Pass & ID/Registration Office for the purpose of registration and/or transfer of ownership of the firearm. The owner should possess an approved DBIDS generated POF registration form, previously issued IAW Chapter 2, USFK Reg 190-16.

e. POFs may be carried off the installation:

(1) When participating in a lawful hunting event and the appropriate permit has been obtained from the Korean authorities.

(a) Firearms transported will be unloaded and placed in appropriate locked containers. Trigger locks are recommended.

(b) Firearms will not be left unattended during transportation. When in transit overnight, the firearm will be secured in **an arms** room or armory equipped with a functional intrusion detection system or 24 hour surveillance.

(2) In conjunction with a Permanent Change of Station (PCS) within the Republic of Korea, but only after obtaining an approved USFK Form 190-16B-E from the gaining organization, IAW paragraph 2-2g.

f. When participating in lawful hunting events off the installation the following procedures apply:

(1) The owner must be in possession of a valid hunting license issued by the appropriate Korean authority.

(2) Authorized hunters must check in with the local Korean National Police (KNP) at the area in which the lawful hunting event is to take place.

(3) Check out with the local KNP prior to departure from the lawful event.

(4) Upon arrival to home station the firearm will immediately be returned to the authorized storage facility and the KNP will be notified.

### **3-4. Lending or Borrowing POFs**

a. Lending and borrowing POFs is strictly prohibited, except at authorized sporting or range firing events. The registered owner must transport the POF to and from the site and be present at the event.

b. The lender will ensure the borrower is capable of handling the POF safely and is provided the proper instruction and supervision.

c. Lending POFs to persons not covered by this publication (for example, local nationals) is not authorized and violates Korean Law.

## **Chapter 4 Clearance, In-Country Transfer and Shipment**

### **4-1. Cancellation of Registration**

a. Persons who have registered POFs must cancel their registration when they:

(1) Legally dispose of their POFs.

(2) Leave the command on PCS or after completing temporary duty (TDY).

(3) Become ineligible for registration privileges because of separation or retirement in Korea.

b. ***Clearing must be conducted at the installation/base Pass & ID/Registration Office. The registered owner will surrender a valid DBIDS generated registration form for each POF. Each form will be marked "VOID" and show the reason and date of cancellation on the back of the form. DBIDS will be updated to reflect this action.***

c. Persons transferring POFs within USFK:

(1) Need not cancel their registration.

(2) The owner of the POF must obtain approval to store the POF from the gaining unit commander using USFK Form 190-16B-E.

(3) Upon receipt of approval, the owner will report to the local Area Pass & ID/Registration Office with the new USFK Form 190-16 A-E & copy of USFK Form 190-16 B-E.

(a) The Pass & ID/Registration Office will issue the owner DBIDS generated registration form (TRANSFER).

(b) The Pass & ID/Registration Office will enter in the "REMARKS BLOCK" OF THE DBIDS Weapons Registry, "POF TRANSFERRED FROM \_\_\_\_\_ Arms Room to \_\_\_\_\_ Arms Room on XX Month 200X".

(c) The DBIDS generated registration form (TRANSFER) is valid for 3 business days.

(4) The owner removes the POFs from the losing unit arms room, signing them out for immediate transfer to the gaining unit arms room for storage. Once the POFs are secured at the new location, the owner reports to the gaining Pass & ID/Registration Office to turn in the DBIDS generated (Transfer) form and receive a new, updated DBIDS generated registration form.

#### **4-2. Reports of Lost, Stolen, and Recovered Firearms**

a. When a POF is lost or stolen, the owner will report to the nearest Provost Marshal (PM), Chief of Security Forces (CSF), or Naval Security Officer (NSO) not later than 24 hours after the discovery of loss or theft.

b. Persons who find or otherwise come into possession of a POF under circumstances that indicate the item may have been lost or stolen will report to the nearest PM, CSF, or NSO.

#### **4-3. POF Disposition Procedures**

a. Registrants will adhere to the proper disposition of POFs in accordance with this publication prior to departure from the Republic of Korea. This may be done by the following:

- (1) Transfer ownership.
- (2) Ship the firearm.
- (3) Mail the firearm.
- (4) Consent to demilitarization of the firearm.

b. POFs will not be abandoned. Abandoning POFs is punishable under the Uniform Code of Military Justice for military members and is a violation of this publication, USFK Regulation 600-52 and USFK Regulation 27-5. Abandoning POFs also can be a basis for adverse administrative action against civilian personnel.

c. If a registrant fails to comply with the proper disposition of the POF, the registrant's unit commander will:

(1) Send a memorandum by registered mail (return receipt requested) to the owner describing the POF, indicating where the POF is located, and advising the owner that he or she has 45 days from the date of the memorandum to take appropriate action and if action is not taken within this time frame the firearm will be processed for demilitarization.

(2) Keep a copy of the memorandum ((1) above) and document actions taken. This file will be kept for at least 2 years after final disposition of the POF.

d. If ownership of a firearm cannot be determined or the owner does not reply to the memorandum in (c) above, the firearm will be disposed of according to the following--

(1) Turn-in the firearm to the local Provost Marshal Office, Security Forces or Naval Security Force Station for assistance in disposing of the firearm.

(2) Obtain receipt of the firearm from the local Provost Marshal Office, Security Forces or Naval Security Officer and maintain this documentation on file along with the documentation in c. above for a period of 2 years.

e. The Provost Marshal Office, Security Forces or Naval Security Force Station will take the following actions:

(1) The firearm will be retained for safekeeping for a period of 45 days upon receipt.

(2) When the 45-day safekeeping period has been met the Provost Marshal Office, Security Forces or Naval Security Force Station will coordinate with the Staff Judge Advocate and the Installation Found Property Representative for approval for demilitarization of the firearm IAW with the Defense Demilitarization Manual, DoD 4160.21-M-1 and Defense Material Disposition Manual, DoD 4160.21-M.

(3) Once approved, all identifying characters must be removed from the firearm (i.e. make, model, serial number) in order for the firearm to be turned into the Defense Logistics Agency – Disposition Services Gimchon Korea (DLA-DSGK) as scrap metal, at no charge to the customer.

(4) The following procedures must be coordinated between the Provost Marshal Office, Security Forces or Naval Security Force Station and the DLA-DSGK prior to receipt of a firearm for demilitarization--

(a) Provide a memorandum to the Chief of DLA-DSGK appointing those personnel authorized to certify the firearm “Inert” (Appendix C). These personnel may be service component law enforcement personnel. The purpose of the memorandum is for safety and to ensure that no round is either in the chamber, cylinder, magazine, or lodged in the barrel of the firearm prior to a torch being applied to the firearm for demilitarization.

(b) A statement verifying that the weapon is “Inert” and contains no ammunition will be on the “Request for Demilitarization” and verified by one of the individuals on the memorandum in paragraph 4-3e(4)(a) above. The statement will read, “I certify that the item or items listed hereon have been inspected by me and, to the best of my knowledge and belief, contain no items of dangerous or hazardous nature”.

(c) The memorandum in (a) above must be updated annually and submitted to the Chief of DLA-DSGK.

(d) Provide 2 witnesses during the demilitarization process at DLA-DSGK.

f. Once the demilitarization process is completed the witness(s) will receive a “Certificate of Demilitarization” for firearms that have been demilitarized from DLA-DSGK. The following action will occur upon receipt of the certificate:

(1) The firearm will be deregistered and removed from the DBIDS Weapons Registry System.

(2) All documentation will be maintained on file at the local Provost Marshal Office or Security Forces for a minimum of 2 years, or IAW applicable regulations and standard operating procedures (SOP).



#### **4-4. Impounding Prohibited Firearms**

a. Firearms prohibited by the U.S. National Firearms Act, USFK Reg. 27-5, UNC/USFK Reg 190-41, and AFI 31-201 are prohibited property and may be impounded.

b. If the owner of an impounded authorized firearm is known, the firearm may be returned to the owner after the owner has met applicable regulatory requirements. If the firearm is one of the prohibited firearms identified IAW Para. 4-4a above, the owner will be informed that:

(1) The item falls within the limits of the U.S. National Firearms Act and may not be kept, even as a war trophy.

(2) He or she may or may not voluntarily consent to destruction of the item. Appendix B provides a format for obtaining consent to destroy prohibited property.

c. If the ownership of an impounded firearm cannot be determined, or if the owner does not voluntarily consent to the firearm's destruction, the firearm will be demilitarized.

### **Chapter 5**

#### **Privately Owned Firearms under Noncombatant Evacuation Orders**

##### **5-1. Evacuation Orders**

Evacuees will not carry privately owned firearms on their person or in luggage during Non-Combatant Operations (NEO).

##### **5-2. Withdrawal of Registration Privileges**

a. Unit commanders will submit in writing a request to withdraw registration privileges to the first commanding officer (grade O4 or above) in the chain of command if it is established that the registrant:

- (1) Is of doubtful character, unreliability or convicted of domestic violence acts.
- (2) Cannot reasonably be expected to use firearms safely.
- (3) Is likely to endanger their self or others through continued possession of a firearm.
- (4) Is convicted in a court of a crime punishable by confinement for a term exceeding 1 year.
- (5) Has violated any of the prohibitive provisions of this publication.
- (6) Has not complied with the unit SOP.

b. Registrant will be informed in writing by the first O5 or higher in their chain of command the adverse determination. The registrant may appeal the decision to the first officer (grade O6 or higher) in the chain of command over the officer or supervisor who made the adverse determination. The decision of the appellate authority will be final.

c. Pending the outcome of the appeal, the officer who makes the determination will inform the registrant of the following:

(1) To surrender DA Form 3749 (Equipment Receipt, or other services' equivalent weapons receipt(s)).

(2) Surrender the firearm for impoundment, if this action is consistent with circumstances under which the withdrawal action is based.

d. If the registrant does not appeal the adverse action promptly, or if an appeal is unsuccessful, the officer who made the determination may require the registrant to cancel the registration. The registrant also must comply with the proper disposition of the firearm according to the procedures in paragraph 4-3.

**NOTE:** If the POF owner has unaccompanied access to any arms ammunition and explosive (AA&E) storage facility, regardless of the situation, the individual will be relieved of such responsibilities immediately.

**5-3. Exceptions to Policy**

Exceptions to this policy on registration and control of POFs are not authorized.

## **Appendix A**

### **Section I. Related References**

AFI 31-101, Air Force Physical Security Program

AFI 31-201, Security Police Standards and Procedures

AFI 31-206, Security Forces Investigations Program

AFI 34-223, Private Organization (PO) Program

AFI 51-501, Tort Claims

AR 27-20, Claims

AR 190-11, Physical Security of Arms, Ammunition and Explosives (AA&E)

AR 190-13, The Army Physical Security Program

AR 190-14, Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

AR 190-30, Military Police Investigations

AR 190-45, Law Enforcement Reporting

AR 195-5, Evidence Procedures

AR 210-22, Private Organizations on Department of the Army Installations

AR 710-2, Inventory Management Supply Policy Below The Wholesale Level

Arms Export Control Act of 1976, section 2778, title 22, United States Code

BATF Publication 5300.5, State Laws and Published Ordinances, Firearms

BATF Revenue Ruling 74-13, Importing Handguns into a State by Armed Forces Member

BATF Publication 5300.4, Federal Firearms Regulation Reference Guide

DA Pamphlet 710-2-1, Using Unit Supply System

DoD 4160.21-M, Defense Material Disposition Manual

DoD 4160.21-M-1, Defense Demilitarization Manual

DoD 5100.76-M, Physical Security of Sensitive, Conventional Arms, Ammunition, and Explosives

DTR 4500.9-R, Defense Transportation Regulation

Manual for Courts-Martial, United States, 2012

The Gun Control Act of 1968 (Public Law 90-618), sections 921 through 928, title 18, United States Code

UNC/USFK Regulation 190-41, United States Forces Korea Customs Inspection Program

USFK Regulation 27-5, Individual Conduct and Appearance

USFK Regulation 600-52, Civilian and/or Family Member Misconduct

U.S. National Firearms Act, section 5861, title 26, United States Code

U.S. Navy Judge Advocate General Manual

## **Section II. Prescribed Forms**

USFK Form 190-16A-E (US Forces Korea Application to Register/Renew/Cancel a Firearm)

USFK Form 190-16B-E (Authorization for Storage of Privately Owned Firearms in a DOD Arms Storage Facility)

## **Section II. Referenced Forms**

ATF Form 6-Part I (Application and Permit for Importation of Firearms, Ammunition and Implements of War)

ATF Form 6-Part II (Application and Permit for Importation of Firearms, Ammunition and Implements of War)

ATF Form 6A (Release and Receipt of Imported Firearms, Ammunition and Implements of War)

Customs Form 4457 (Certificate of Registration for Personal Effects Taken Abroad)

DA Form 3749 (Equipment Receipt)

DA Form 4137 (Evidence/Property Custody Document)

DD Form 2 (RET) (United States Uniformed Services Identification Card (Retired))

DD Form 603-1 (Registration of War Trophy Firearms)

DD Form 1252 (U.S. Customs Declaration for Personal Property Shipment - Part I)

DD Form 1252-1 (U.S. Customs Declaration for Personal Property Shipment - Part II)

DD Form 1299 (Application for Shipment and/or Storage of Personal Property)

**Appendix B**

**Example: "Consent for Disposition of Prohibited Privately Owned Firearm"**

Log # \_\_\_\_\_

Date # \_\_\_\_\_

I \_\_\_\_\_ fully understand that the item(s), described on the attached DA Form 4137, Evidence/Property Custody Receipt (or equivalent), are being seized because they are prohibited IAW USFK Reg 190-16, Registration and Control of Privately Owned Firearms, USFK Reg 27-5, Individual Conduct and Appearance and UNC/USFK Reg 190-41, USFK Customs Inspection Program.

\_\_\_\_\_ I consent to destruction of this item by the NCOIC, Customs, or other government agency and hereby acknowledge that a claim against the Government for this property is not payable (Army: AR 27-20; Navy: Judge Advocate General Manual, Chapter XXI; Air Force: AFI 51-501).

\_\_\_\_\_ I consent to paying the cost of sending this item back to its origin (subject to rules and regulations for sending such items in international mail channels or commercial shipping companies\*). I further understand that it is my responsibility to make these arrangements and if my firearm has not been shipped out of the Republic of Korea by, the NCOIC, Customs, or other government agency will dispose of it in accordance with applicable regulations, which may include destruction.

OWNER: NAME, GRADE, and SIGNATURE

\_\_\_\_\_

MPI/SF/NSO: NAME, GRADE, and SIGNATURE

\_\_\_\_\_

\*USFK Customs or other government agencies are not responsible if you are unable to ship the item out of Korea due to the rules and regulations of your chosen shipping agent or other government agencies such as the U.S. Postal Service or U.S. Customs Service.

**Appendix C**  
**Example: “Certification and Verification of Inert Certificate”**

LETTERHEAD

Office Symbol

Date

MEMORANDUM FOR: Defense Logistics Agency – Disposition Services Gimchon, Korea, ATTN:  
Chief of DLA-DSGK

FROM: Unit Address                      DODAAC:

Subject: Individuals Authorized To Certify and Verify Inert Certificates

1. Reference: DoD 4160.21-M-1, Chapter II, paragraph D
2. The following individuals from this activity are authorized to certify and verify Inert Certificates for privately owned firearms (POFs) for the purpose of turn-in for demilitarization and that the firearm contains no dangerous material.

Name/Grade	Type of Classification/DEROS	Signature
Colt 45, CPT	Certifier & Verifier	XXXXXX
9mm, SSG	Verifier	XXXXXX

3. POC for this action is CPT Smith & Wesson at 738-xxxx.

Signature Block

## **Glossary**

### **Section I. Abbreviations**

AP	Army in Pacific
AFI	Air Force instruction
AFJI	Air Force Joint Instruction
AR	Army Regulation
BATF	U.S. Bureau of Alcohol, Tobacco, and Firearms
CFR	Code of Federal Regulations
CG	Commanding General
CSF	Chief of Security Forces
DBIDS	Defense Biometric Identification System
DEROS	Date Eligible for Return from Overseas
DLA-DSGK	Defense Logistics Agency – Disposition Services Gimchon Korea
DoD	Department of Defense
MPRJ	Military Personnel Record Jacket
NSO	Naval Security Officer
OPNAVINST	Operational Navy Instruction
PCS	Permanent Change of Station
PM	Provost Marshal
POF	Privately Owned Firearm
SOP	Standing Operating Procedure
U.S.	United States
USAFK	United States Air Forces in Korea
USFK	United States Forces Korea
USC	United States Code

## **Section II. Terms**

**Ammunition.** Cartridge cases, primers, bullets, or propellant charges in assembled form that is designed to be fired from any weapon. This term does not include propellant powder (black or smokeless) except when incorporated into a cartridge that is ready to be fired, nor does it include unloaded nonmetallic shotgun hulls or casings that do not have primers.

### **Approval authority.**

- a. The first O5 commander in the applicant's (or applicants sponsor's) chain of command in US Forces Korea.
- b. Battalion-level commanders in USFK.
- c. Area or Base Commanders.
- d. Commanders of Service Components, 2d Infantry Division, or 19th Expeditionary Support Command.
- e. The Commander, USFK.

**Competent authority.** The area or base commander, battalion level commander, Service Components, 2d Infantry Division, or 19th Expeditionary Support Command, Regional Security Officer or the first O5 commander in the applicant's (or sponsor's) chain of command in U.S. Forces, Korea, the Commander USFK, who can give personal assurance of the applicant's character to own a privately owned firearm.

**Privately owned firearm.** The term "firearm" means--

- a. Any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive.
- b. The frame or receiver of any such weapon.
- c. Any firearm muffler or firearm silencer.