



**FULTON COUNTY SHERIFF'S OFFICE**

185 CENTRAL AVENUE, S. W. 9<sup>TH</sup> FLOOR  
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**PATRICK "PAT" LABAT**  
FULTON COUNTY SHERIFF

[WWW.FCSOGA.ORG](http://WWW.FCSOGA.ORG)

January 29, 2021

**General Order # 2021-01**

**From: Sheriff Patrick "Pat" Labat**



**[Note: This information as well as the Consent Form can be accessed on Employee Central]**

TOPIC: Lautenberg Amendment

In September 1996, as part of the Omnibus Consolidate Appropriations Act of 1997 (ACT), Congress amended the criminal provisions of the Gun Control Act of 1968, adding a ninth disqualification category. Commonly referred to as the "Lautenberg Amendment", this provision makes it unlawful for "any person ... who has been convicted of a misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or munition in or affecting commerce. Thus, law enforcement officers and other government officials who have been convicted of a qualifying misdemeanor will not be able to lawfully perform their official duties. The term "convicted" does not include anyone whose conviction has been expunged; set aside had his or her civil rights restored.

As defined in 18 U.S.C. § 921(a)(33)(A), "the term 'misdemeanor crime' of domestic violence" means an offense that: i) is a misdemeanor under Federal, State or Tribal I Law; and ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. Further, this applies to any person convicted at any time prior to, or after the passage of the Act.

If an employee authorized to carry an Agency-issued firearm and ammunition is affected by statue, the employee must relinquish said firearm and ammunition through the chain of custody to his or her immediate supervisor or an appointed Office of Professional Standards (OPS) Internal Affairs (IA) Investigator or the Agency Rangemaster. As such, any previously issued authorization for an employee to possess a firearm or ammunition is now revoked. An individual convicted of a misdemeanor crime of domestic violence, as defined above, who knowingly violates the Act is subject to federal prosecution resulting in a fine, imprisonment not more than ten years, or both.

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To paraphrase, a sworn peace officer convicted of a qualifying misdemeanor crime of domestic violence at any time in the past or prior to the enactment of the law or currently subject to an active protective order will not be allowed to possess a firearm under any circumstances.

In order for us to determine who is affected by this Act, you must complete the below section, as well as the attached consent form. Failure to do so will result in disciplinary action.

1) Have you ever been convicted of a misdemeanor crime of domestic violence?  
 Yes  No

1a) If yes, provide the following information with respect to the conviction:

- Court/Jurisdiction: \_\_\_\_\_
- Docket/Case Number: \_\_\_\_\_
- Statute/Charge: \_\_\_\_\_
- Date Sentenced: \_\_\_\_\_

2) Are you currently subject to an active protective order?  Yes  No

2a) If yes, provide the following information with respect to the protective order:

- Court/Jurisdiction: \_\_\_\_\_
- Docket/Case Number: \_\_\_\_\_
- Statute/Charge: \_\_\_\_\_
- Date Sentenced: \_\_\_\_\_
- Name of individual(s) from whom you are restrained from having contact: \_\_\_\_\_  
\_\_\_\_\_
- Date Issued: \_\_\_\_\_
- Expiration Date: \_\_\_\_\_



Note: Neither your answers nor any information or evidence obtained by admission of your answers can be used against you in any criminal prosecution for a violation of 18 U.S.C. § 922 (g). However, the answers you furnish, as well as any information or evidence resulting there from may be used against you in a prosecution for knowingly and willfully providing false statements or false information, and in the course of County disciplinary proceedings.

**I hereby certify that, to the best of my knowledge and belief, all of the above information provided by me is true, correct, and complete. I understand that false or fraudulent information provide herein may be grounds for adverse action, up to and including dismissal from the Agency, and is criminally punishable pursuant to Agency and County rules and regulations.**

\_\_\_\_\_ Signature \_\_\_\_\_  
Print Name \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ City/State/Zip Code  
Residence Street Address \_\_\_\_\_

\_\_\_\_\_ SSN: \_\_\_\_\_  
Sex \_\_\_\_\_ Race \_\_\_\_\_ Date of Birth \_\_\_\_\_ Complete 9 digit number

Assignment: \_\_\_\_\_ Rank: \_\_\_\_\_

DID Number: \_\_\_\_\_ Badge Number: \_\_\_\_\_