

DEPARTMENT OF THE ARMY
HEADQUARTERS, FIFTH U.S. ARMY AND FORT SAM HOUSTON
Fort Sam Houston, Texas 78234-5000

FSH Regulation
No. 190-7

15 April 1995

Military Police
CONTROL OF PRIVATELY OWNED WEAPONS

Issue of supplements to this regulations is prohibited unless specifically approved by Headquarters, U.S. Army Garrison, Fort Sam Houston.

1. PURPOSE. This regulation prescribes responsibilities and policies governing the use, possession, transportation, and storage of privately owned weapons (POWs).
2. APPLICABILITY. This regulation is applicable to Fort Sam Houston and Camp Bullis. Military violators may be punished under the Uniform Code of Military Justice. Civilian violators may be prohibited from reentering Fort Sam Houston and Camp Bullis, or they may be prosecuted in Federal court. In addition, DOD affiliated civilians may be subject to adverse personnel actions in accordance with Federal employment laws or both.
3. REFERENCES. Required and related publications and prescribed forms are listed in Appendix A.
4. EXPLANATIONS OF ABBREVIATIONS AND TERMS. Abbreviations and special terms used in this regulation are explained in the glossary.
5. RESPONSIBILITIES.
 - a. The Garrison Provost Marshal will:
 - (1) Develop and administer policies and procedures for controlling POWs.
 - (2) Administer policies and procedures for the registration of privately owned firearms (POFs) to include war trophy firearms.
 - (3) Ensure policies are established for verifying the legality of POFs prior to them being registered.
 - (4) Enforce the provisions of this regulation through normal law enforcement functions and by randomly establishing

FSH Reg 190-7

road block check points to search for illegal or unauthorized POWs.

(5) Ensure confiscated POWs are disposed of in accordance with paragraph 6-7, AR 190-11 and chapter 3, AR 190-22.

b. The Unit Commander will:

(1) Ensure appropriate and necessary actions are taken to enforce the provisions of this regulation and other applicable directives.

(2) Ensure newly assigned/attached personnel are provided documented briefings on the contents of this regulation and other applicable directives.

(3) Ensure a copy of this regulation is posted on the unit bulletin board, or where it will be readily accessible to assigned and attached personnel.

(4) Ensure that an approved arms storage area is available for storage of POFs, to include privately owned ammunition (POA), and that other appropriate areas are available for storage of other types of POWs.

(5) Ensure POWs are not prohibited by this regulation or other directives prior to authorizing them to be stored within the unit's storage areas.

(6) Ensure a POF(s) is registered and the information on the registration form(s), FSH Form 60*#, is verified prior to permitting permanent storage in the arms storage area.

(7) Ensure a copy of the registration form is maintained with each stored POF.

(8) Ensure that POFs and POA are stored separately from military arms/ammunition, and that they are secured and accounted for (inventoried) the same as required for military arms and ammunition.

(9) Ensure DA Forms 3749, Equipment Receipt, are issued to personnel who have POFs stored in the arms storage area.

(10) Ensure personnel are aware that they must obtain the commander's written authorization to withdraw a POF, and that they must turn in a DA Form 3749 to the armorer when withdrawing a POF.

(11) Ensure periodic inspections/inventories are conducted in accordance with chapter 2, AR 190-22, and illegal or unauthorized POWs are confiscated/seized.

(12) Ensure abandoned, confiscated, and seized POWs are disposed of in accordance with para 6-7, AR 190-11 and chapter 3, AR 190-22.

(13) Ensure charge of quarters/staff duty personnel are familiar with the unit's POW storage requirements during non-duty hours.

c. Individuals will strictly adhere to the contents of this regulation and any other applicable directives.

6. EXEMPTIONS. Unless otherwise stated in this regulation, exempt from the requirements of this regulation are personnel in law enforcement, security, or other occupations which legally and normally authorize the carrying of firearms or other types of POWs, if such persons are:

a. Legally performing an officially sanctioned/authorized function

b. Directly traveling to or from such functions.

c. In possession of legal/authorized POWs.

7. PROHIBITIONS

a. Prohibited POWs. The below POWs are either illegal or unauthorized, and as such, the possession, the transportation, or the storage of any one or more of such POWs is strictly prohibited.

Armor Piercing Ammunition

(2) Cane swords and other instruments with sharp points or sharp blades that are disguised to appear innocuous, but were manufactured or modified for the purpose of stabbing or cutting.

(3) Clubs, such as nightsticks, blackjacks, slappers, saps, numbchucks, tomahawks, or other devices that were made, designed, or adapted to inflict serious bodily harm or death to a person.

Contraband POWs.

Explosive devices or the components of such devices

FSH Reg 190-7

(6) Automatic POFs, stolen POFs, short barrel POFs, or POFs that have had the importers' or manufacturers' serial numbers removed or altered.

POF silencers.

Hoax Bombs

(9) Knives with blades longer than five and one-half inches in length; knives with blades that automatically release or open from the handle (switch blade knives, see glossary); daggers, to include but not limited to a dirk, stiletto, and poniard; bowie knives; martial arts throwing stars; and any other knives/devices that were designed or adapted to stab or cut when thrown.

Exceptions: Knives that were manufactured for preparing foods or for other legal purposes; if such knives are legally being used at, legally being stored at, or legally being transported to or from functions, where such knives are commonly required/authorized.

(10) Knuckles or other devices that were made, designed, or adapted to be worn over the knuckles for the purpose of causing serious bodily injury or death by striking another person with a fist.

(11) Shooting pens or other pressure, spring, or percussion type devices that were designed to appear innocuous, but were manufactured or adapted for the purpose of discharging a projectile, producing an electrical shock, or producing a toxic agent that can cause serious bodily injury or death.

Illegal or unauthorized war trophies.

(13) Blow guns or similar devices that expel a dart or other object that can cause serious bodily injury or death.

14) Zip guns.

(15) Chemical dispensing devices that were manufactured, designed or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.

Exception: Small non-toxic chemical dispensers sold commercially for self-protection.

(16) Swords or spears

Exception: Swords and spears may be maintained in family or

bachelor quarters as part of a collection of souvenirs or for decorative purposes. Swords and spears are not permitted in the living areas of unit billets, offices, or other administrative type areas.

b. Prohibited Acts. It is strictly forbidden for anyone to consummate or attempt to consummate any of the following acts:

(1) Use, transport, store, sell, buy, trade, give, receive, or otherwise possess POWs that are prohibited by this regulation or other applicable directives.

Remove from or alter in any way the serial number of POFs.

To use or otherwise possess POFs while:

Intoxicated.

Under the age of eighteen.

Exception: If under the supervision of an adult, at an authorized location/function.

(c) Under indictment for a crime punishable by more than a year imprisonment, or a felon who has been convicted and imprisoned for more than one year.

A fugitive from justice.

(e) An unlawful user of, or addicted to controlled substances (as defined in section 102 of the Controlled Substance Act - 21 U.S.C. 802).

(f) A patient of a mental institution, or a person adjudicated as a mental defective.

An alien illegally in the United States.

(h) Intending to use the firearm unlawfully or in a commission of an unlawful act.

(4) Give, sell, loan, lease, or trade a POF to anyone who has been discharged from the armed forces under dishonorable conditions, or who was a citizen of the United States and renounced his/her citizenship.

(5) To illegally brandish or display a POF or other POWs in a threatening or menacing manner.

To conceal a POF(s) or other POWs on his or her person.

To carry a POF while performing military duties.

(8) To store or otherwise maintain POFs or other POWs where they are easily accessible to children or other unauthorized persons.

(9) To transport, store, or possess loaded POFs, except when actually participating in authorized functions.

(10) To possess, transport or store POFs while participating in field training exercises.

(11) To discharge firearms or other POWs (air guns, bows, etc.), except at authorized functions.

To store any type of POWs in vehicles

(13) To possess or store a knife with a blade longer than three inches in the living areas of troop billets, in offices, or in other administrative areas.

8. AUTHORIZATIONS

a. Authorized POWs. The following POWs are authorized, if used, transported, stored, or otherwise possessed in accordance with this regulation.

(1) Air guns (pellet and BB pistols/rifles), bows (long bows and cross bows), and steel or other hard tipped arrows.

NOTE: The possession and use by persons under eighteen must be under the supervision of an adult.

(2) Antique and demilitarized POFs, if maintained as part of a souvenir collection or for decorative purposes.

(3) Lawfully owned POFs and other POWs that are not prohibited by this regulation.

b. Authorized Acts. The following actions are authorized, if such actions are performed in strict compliance with this regulation.

(1) Authorized POWs may be stored in family or bachelor quarters, if they are stored as follows:

(a) POFs are not loaded.

(b) POFs and other POWs are stored in locked containers or cabinets, or they are stored where they will not be accessible to children or other unauthorized persons.

(c) Ammunition and hard tipped arrows are stored separately from firearms and bows.

NOTE: If the above requirements (para 8b(1)(a) thru (c)) cannot be met, the POWs will be stored in authorized storage areas at the individual's assigned unit.

(2) Authorized POWs may be transported in vehicles, if they are:

(a) Being transported directly to or from an authorized function.

(b) The types of POWs normally required or used for the particular function in question.

(c) Stored in the trunk or in the glove compartment of the vehicle, if possible. If not possible, the POWs will be stored in containers.

(3) Swords, spears, demilitarized firearms, and antique or curio weapons may be stored in family or bachelor quarters as part of a souvenir collection or for decorative purposes. Such items are not authorized in unit billets or administrative areas.

9. REGISTRATION.

a. Registration Policies. Personnel who will be maintaining (storing) a POF(s) on the installation for more than three duty days must register the POF(s) by the end of the third duty day after their arrival on the installation or after obtaining the POF(s). Such personnel will:

(1) As quickly as is reasonably possible, turn over their POF(s) to their unit commanders or the commanders' designated representative for proper safekeeping.

(2) Obtain and properly fill out two copies of FSH Form 60*#, Registration of Personal Firearms, for each POF to be registered.

(3) Deliver the completed form(s) to the Garrison Provost Marshal's Registration Office between the hours of 0800 and 1600 Monday through Friday, excluding holidays.

NOTE: A Flag Officer may have his/her Aide-de-Camp

FSH Reg 190-7

accomplish the above registration requirements. Additionally, Sergeants Major or above may verify their own forms.

(4) Once registration is accomplished, return the approved copy of the form to the unit commander or his/her designated representative.

NOTE: If the registration is disapproved or the registration of a previously registered POF(s) is revoked, the commander will be notified. Once notified, the commander will initiate appropriate action to dispose of the POF(s) in accordance with this regulation and any other applicable directives.

b. Registration Clearing Policies. Personnel who have POFs registered, will clear the registration office prior to or as quickly as possible after any of the following occur:

(1) The POFs are permanently removed from the installation.

(2) The POFs are sold, lost, stolen, or otherwise disposed of.

APPENDIX A

REFERENCES.

1. Required Publications.

AR 190-11, Physical Security of Arms, Ammunition, and Explosives.

AR 190-14, Carrying of Firearms.

AR 190-22, Searches, Seizures, and Disposition of Property.

AR 210-10, Administration

AR 608-4, Control and Registration of War Trophies and War Trophy Firearms.

AR 710-2, Supply Policy Below the Wholesale Level

FSH Reg 215-1, Morale, Welfare, and Recreation Camp Bullis Training Site.

National Firearms Act, 18 United States Code Section 921 et seq.

Federal Assimilative Crimes Act, 18 United States Code Section 13.

Texas Penal Code, Chapter 46, Weapons.

2. Related Publications

AR 190-13, The Army Physical Security Program.

AR 190-27, Army Participation in National Crime Information Center (NCIC).

AR 190-29, Misdemeanors and Uniform Violation Notices referred to U.S. Magistrate or District Courts.

FSH Reg 350-2, Camp Bullis Training/Range Regulation

FSH Reg 350-3, Fort Sam Houston Range Facilities.

3. Forms

DA Form 3749, Equipment Receipt.

FSH Form 60 *#, Registration of Personal Firearms.

GLOSSARY

This is a consolidated listing of abbreviations and terms used in this regulation.

Section I. Abbreviations

POA: Privately Owned Ammunition.

POFs. Privately Owned Firearms.

POWs. Privately Owned Weapons.

Section II. Explanation of Terms.

Ammunition. Bullets, cartridges, shot shells, primers, or other devices with explosives, propellants, pyrotechnics or other initiating compounds designed for use in any firearm.

Antique Firearm. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898, and any replica of any firearm described above if such replica is not designed or redesigned for using rim fire or conventional center fire fixed ammunition; or uses rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in ordinary channels of commercial trade.

Armor Piercing Ammunition. A projectile or projectile core which may be used in a firearm and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium. (Does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes.)

Authorized Function. Lawful/authorized places of purchase/repair, sporting events, hunting, fishing, target/skeet shooting, skin diving, etc., at officially designated hunting and fishing areas, ranges, etc.

Automatic Firearm. Any weapon that shoots, is designed to shoot, or can be readily restored to shoot two or more shots without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into an automatic firearm, and any combination of parts from which an automatic firearm can be assembled.

Bachelor Quarters. Quarters, other than unit billets, where single or unaccompanied married, commission/noncommission personnel reside.

Contraband POWs. POWs that have been used or attained in violation of Federal law or declared to be unlawful by appropriate statute, regulation or order; it is subject to seizure when in one's possession.

Demilitarization. The act of destroying the offensive or defensive characteristics inherent in certain types of equipment and material. The term comprehends mutilation, scrapping, burning, or alteration designed so as to prevent the further use of such equipment or material for its originally intended purpose.

Explosive Device. Means gunpowder, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electrical circuit breakers), and other detonating agents, smokeless powders, any explosive bomb, or similar device, and any other compound, mixture, or device which is an explosive within the meaning of 18 U.S.C. 332(5) or 844(j). The term includes fireworks, pyrotechnics, and any compounds for making explosives.

Firearm. A weapon (including starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. The frame or receiver of any such weapon. (The term does not include antique or curio firearms as previously described).

Firearm Silencer. A device for silencing, muffling or diminishing the report of a portable firearm. The term includes any combination of parts designed or redesigned, and intended for use in assembling or fabricating a firearm silencer.

Handgun. Any firearm including a pistol or revolver designed to be fired by the use of a single hand. The term includes any combination of parts from which a handgun can be assembled.

Hoax Bombs. A device that reasonably appears to be an explosive or incendiary device, or by design causes alarm or reaction by an official of a public safety office.

Installation. Includes Fort Sam Houston and Camp Bullis.

Knuckles. Any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Loaded Firearm. Any firearm with a round or rounds in the

FSH Reg 190-7

chamber, magazine, cylinder, or magazine compartment (as with the shotgun) or any firearm in a comparable posture.

Privately Owned Weapons/POWs. For the purpose of this regulation, privately owned weapons or POWs mean one or more weapons in the possession or under the control of an individual. It does not matter whether the weapon(s) is actually owned by the individual.

Short Barrel Firearm. A rifle with one or more barrels less than sixteen inches in length; or a shotgun with one or more barrels less than eighteen inches in length; or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

Switch Blade Knives. A knife that has a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressure applied to a button or other device located on the handle; or opens or releases a blade from the handle or sheath by the force of gravity or by the application of centrifugal force.

War Trophy Firearm. A small caliber firearm up to and including caliber .45 (or equivalent expressed in terms of other linear measurements) and all gauges of shotguns, except for firearms prohibited by the National Firearms Act (26 U.S.c. 5801-5862).

Weapons. One or more firearms, knives, devices, instruments, materials or substances (animate or inanimate) that are used for, or are readily capable of causing serious bodily injury or death. (Exception: Pocket knife with a blade three-inches or less in length).

Zip Gun. A device or combination of devices that was not originally a firearm and which is adapted to expel a projectile through a smooth-bore or a rifle-bore barrel by using the energy generated by an explosion or burning substance.

The proponent of this regulation is the Fort Sam Houston Provost Marshal's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, Fifth U.S. Army and Fort Sam Houston, ATTN: AFZG-PM-PS, Fort Sam Houston, Texas 78234-5038.

FOR THE COMMANDER;



OFFICIAL:
MICHAEL F. MERRILL
Director of Information
Management

DISTRIBUTION:

A
B
C