PURPOSE: To comply with a current Presidential Proclamation, relevant portions of the Military Selective Service Act regarding Selective Service System requirements, and relevant portions of the Gun Control Act of 1968 concerning restrictions on inmates who are to be released from the custody of the South Carolina Department of Corrections.

POLICY STATEMENT: The Agency is committed to assisting all inmates released from the SCDC in successfully re-entering the community and remaining productive, law-abiding citizens. To this end, the Agency will ensure that all affected inmates are given a copy of the appropriate portions of the Gun Control Act of 1968 and the Military Selective Service Act and that they are informed how these Acts apply to them. (4-ACRS-6A-13, 3-4393)

SPECIFIC PROCEDURES:

1. GUN CONTROL ACT OF 1968: The Gun Control Act of 1968 applies to an inmate who:

• has been convicted of a felony in any court when the crime is punishable by imprisonment for a term exceeding one (1) year;
• has been convicted of a misdemeanor in any court when the crime is punishable by imprisonment for a term exceeding two (2) years;
• has been convicted of a misdemeanor involving a firearm or explosive;
• is an unlawful user of, or addicted to, marijuana or any depressant, stimulant drug, or narcotic drug; and/or
• has been adjudicated as a mental defective or who has been committed to any mental institution.

2. MILITARY SELECTIVE SERVICE REQUIREMENTS: The Military Selective Service Act applies to an inmate who:

• is male;
• was born after January 1, 1960; and
• has reached his 18th birthday.

3. DOCUMENTATION REQUIREMENTS:
3.1 During release processing, each affected inmate will receive information explaining the applicable portions of the Gun Control Act of 1968 and/or a copy of the applicable portions of the Military Selective Service Act (to include the procedure for registering with the Selective Service System).

3.2 Each affected inmate will be required to sign:

3.2.1 SCDC Form 9-3, "Gun Control Act of 1968," to indicate that he has been read and been given a copy of the applicable portions of the Gun Control Act of 1968, and that he understands how this Act applies to him/her; and/or

3.2.2 SCDC Form 9-4, "Military Selective Service Act," to indicate that he has been read and been given a copy of the applicable portions of the Military Selective Service Act, and that he understands how this Act applies to him.

3.3 The Warden will be responsible for designating one (1) or more employees to ensure that the necessary form(s) is/are signed by the inmate, and that the inmate's signature is witnessed by an Agency employee. A copy of the signed SCDC Form 9-3 and/or SCDC Form 9-4 will be filed and retained in the inmate's institutional record at the time of release and prior to forwarding record(s) to Inmate Records to become a part of his/her permanent inactive record. (4-ACRS-6A-13, 3-4393)

4. DEFINITIONS: NONE

SIGNATURE ON FILE

s/ Gary D. Maynard, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.