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GOVERNOR

**STATE OF ARIZONA**  
**DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS**

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Major General Michael T. McGuire  
THE ADJUTANT GENERAL

NGAZ-TAG

31 July 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Authorization to Carry Privately Owned Handguns While On Duty

1. References:

- a. Executive Order No. 2015-07, dated 22 July 2015
- b. Title 12 of Arizona Revised Statutes
- c. Title 13 of Arizona Revised Statutes
- d. Title 26 of Arizona Revised Statutes

2. Purpose: To provide policy and instructions to implement the Governor of Arizona's Executive Order No. 2015-07, subsection B, dated 22 July 2015, allowing members of the Arizona National Guard to carry personally owned handguns while on duty.

3. Applicability: This Policy applies to all Soldiers and Airmen of the Arizona National Guard (AZNG) in Title 32 or State Active Duty status, as well as Title 32 dual-status federal technicians. This policy does not apply to any Soldier or Airman that is carrying a government-issued weapon, any Soldier or Airman serving in Title 10 status, or any Title 5, non-dual status technician. This Policy remains in effect until rescinded by the undersigned authority.

4. Policy: All Soldiers and Airmen of the AZNG have an inherent right to self-defense. The purpose of this policy is to permit the Soldiers and Airmen of the AZNG the same opportunity to defend themselves as other Arizona residents. This policy does not direct guardsmen to carry personally owned handguns. Instead, the carrying of personally owned handguns pursuant to this policy is entirely voluntary and for the sole purpose of personal self-defense. This policy is not intended to supplement the AZNG's organizational law enforcement, security, or force protection measures with privately-owned weapons. The procedures contained in this policy provide the only avenue by which members of the Arizona National Guard may carry personally owned weapons while on duty.

- a. Qualified guardsmen may carry a concealed, personally owned handgun while on duty, whether or not the guardsman is located on an AZNG, state-operated facility.

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Qualified guardsmen may also carry a personally owned handgun in either a concealed or open manner on an AZNG, state-operated facility when off duty and in civilian clothes.

1. A guardsman is "qualified" pursuant to this policy if and when the following criteria are met:

A. The guardsman is a military member of the AZNG in good standing. This means that the guardsman is not "flagged" pursuant to AR600-8-2(excluding height/weight or PT failure) or under investigation by the AZNG or civilian authorities;

B. The guardsman is authorized by state or federal law to carry a concealed weapon. This means that the guardsman: (1) possess a current concealed weapons permit issued by the Arizona Department of Public Safety on or after the date of this policy; or (2) is a current law enforcement officer with a current certification from the Arizona Peace Officer Standards and Training Board (AZ POST, badge or identification card required); or (3) is authorized pursuant to 18 U.S.C. § 926B or §926C;

C. The guardsman is not exhibiting behavior that demonstrates he/she is emotionally unstable or determined to be otherwise incapable of possessing a firearm;

D. The guardsman is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

E. The guardsman has completed AZNG concealed carry training.

2. Guardsmen will maintain control of privately-owned handguns at all times. This means that the weapon will either be carried on the person as detailed above, or will be holstered and temporarily secured in a locked container or in the guardsman's vehicle.

b. There are only three instances when a guardsman carrying a personally owned handgun pursuant to this policy may remove the handgun from its holster while in uniform or on duty, or while on an AZNG facility:

1. To properly clear the weapon for a legitimate purpose;

2. To temporarily surrender the weapon at the direction of law enforcement, AZNG security forces, or the chain-of-command; or

3. To use the weapon in response to a reasonable belief that deadly physical force is immediately necessary to protect himself or herself against another's use or attempted use of unlawful deadly physical force.

c. To be authorized pursuant to this policy, a handgun must meet the following criteria:

1. The handgun must be concealed when the guardsman is at position of attention;

2. The handgun must not exceed a total of nine (9) inches in length;

3. The handgun must be carried in a holster;

4. Only ammunition that is legal under both federal and state law may be carried.

5. Limitations: This policy is not intended to expand a guardsman's right to carry a personally owned handgun beyond what is provided in Federal or Arizona law. Guardsmen who choose to carry a personally owned handgun pursuant to this policy are directed to know and understand the restrictions that federal and state laws place on the carry of personally owned weapons, including but not limited to possession of weapons in federal and state buildings and in school zones. Violations of such laws can result in criminal penalties, as well as military disciplinary action.

a. Commanders/Managers/Supervisors in the grade of O-5 and above retain the authority to limit or suspend a guardsman's right to carry a personally owned handgun while on duty due to legitimate, identifiable safety concerns, disciplinary action, loss of qualification as detailed in paragraph 4(a)(1) of this policy, or blatant or repeated violations of this policy.

b. Guardsmen are not permitted to carry a personally owned weapon when they are also carrying a military issued weapon or while on field training exercises.

6. Guardsmen electing to carry a personally owned handgun pursuant to this policy understand and assume the risk that, as a result of the decision to carry the handgun: (1) any injuries to themselves may not be covered by applicable workers compensation or other insurance policies; and (2) any injuries to other guardsmen and/or damage to property may not be covered by the Federal Tort Claims Act or A.R.S. § 26-166. Any guardsman electing to carry a personally owned handgun for personal self-defense while on duty pursuant to this policy understands that the action, although authorized by this policy, is not within the scope of the guardsman's official duties.

7. This policy is punitive. Violations of this policy may be punishable pursuant to A.R.S. § 26-1092, Technician Personnel Regulation (TPR) 752, and/or through administrative procedures.



MICHAEL T. MCGUIRE  
Major General, AZ ANG  
The Adjutant General