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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

2 November 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Authorization for Civilian Employees 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 employees of the Department of Emergency and Military Affairs (AZ DEMA) and the Arizona National Guard (AZNG) to carry personally owned handguns while on duty.

3. Applicability: This Policy applies to all civilian employees of the AZ DEMA, to include state employees, dual-status state technicians when serving in state status, AZ DEMA reservists and AZNG non-dual status federal technicians. This policy also includes contract employees pursuant to their contract limitations. This policy does not apply to military members of the AZNG while in Title 32 or Title 10 status and remains in effect until rescinded by the undersigned authority.

4. Policy: All employees of AZ DEMA and AZNG have an inherent right to self-defense. This policy does not direct individuals 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 organizational law enforcement, security, or force protection measures with privately-owned weapons. The procedures contained in this policy provide the only avenue by which state civilian employees of AZ DEMA and civilian employees of the AZNG carry personally owned weapons while on duty.

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a. Qualified employees may carry a concealed, personally owned handgun while on duty, whether or not the employee is located on an AZNG, state-operated facility, subject to the limitations in paragraph 5.

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

A. The individual is an employee of AZ DEMA or AZNG in good standing. This means that the individual is not facing disciplinary action by AZ DEMA/AZNG or under investigation by AZ DEMA/AZNG or civilian authorities;

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

C. The employee is not exhibiting behavior that demonstrates he/she is emotionally unstable or incapable of possessing a firearm;

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

E. The employee has completed the AZ DEMA/AZNG concealed carry training.

2. Employees 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 secured in a locked cabinet or in the individual's automobile.

b. There are only three instances where an individual carrying a personally owned handgun pursuant to this policy may remove the handgun from its holster while on duty or while on an AZ DEMA/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 while on duty;

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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 an employee's right to carry a personally owned handgun beyond what is provided in Federal or Arizona law. Employees that 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 facilities, state buildings and in school zones. Violations of such laws can result in criminal penalties, and disciplinary action.
- a. Assistant Directors, Managers, Supervisors and above retain the authority to limit or suspend an employee'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. Employees are not permitted to carry a personally owned weapon when they are also carrying a government issued weapon or while on training exercises.
6. Employees 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 employees and/or damage to property may not be covered by A.R.S. § 26-166. Any employee 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 employee'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) 792, and/or through administrative procedures.



MICHAEL T. MCGUIRE
Major General, AZNG
The Adjutant General

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