

September 30, 2015

MEMORANDUM TO: All Personnel of the Adjutant General's Department

SUBJECT: Concealed Carry of Personally Owned Handguns by Members of the Adjutant General's Department

This memorandum implements basic guidance on the concealed carry of privately owned handguns by members of the Kansas Adjutant General's Department while on duty. Recent changes to state law allow anyone who can legally purchase and/or possess a handgun to conceal carry a handgun in the State of Kansas without a conceal carry permit.

This memorandum is not legal advice. Questions regarding the concealed carry of handguns by a member of the Adjutant General's Department while on duty should be addressed to the Office of the Staff Judge Advocate. Questions regarding the concealed carry of handguns by members of the Adjutant General's Department not on duty should be referred to competent private legal counsel.

APPLICABILITY. This guidance applies to all members of the Adjutant General's Department. It only applies to members of the Adjutant General's Department who choose to carry a concealed handgun while on duty.

- a. In accordance with state and federal law, the following personnel may choose to carry a concealed handgun while on duty: KSARNG personnel in a Title 32 AGR status, KSARNG personnel in an Title 32 FTNGD/ADOS status, KSARNG and KSANG personnel in a Title 32 dual-status technician status, KSARNG personnel in a traditional (M-Day) Title 32 status, state civilian employees, and contractors (unless otherwise prohibited by the supplying contract agency).
- b. In accordance with state and federal law, the following personnel may not carry a concealed handgun while on duty: KSANG personnel in any status (except dual-status technicians as noted above) and KSARNG and KSANG personnel in a Title 10 status. These individuals are prohibited from concealed carry of privately owned handguns by federal law.
- c. In accordance with state and federal law, no member of the Kansas Adjutant General's Department, regardless of status, may carry a concealed handgun while on federal property. Federal law prohibits concealed carry of privately owned handguns on federal property (i.e., Forbes Field, Fort Riley, Fort Leavenworth, McConnell AFB).

- d. Attached to this memorandum is a matrix designed to provide additional assistance in determining when a member of the Kansas Adjutant General's Department may lawfully conceal carry a privately owned handgun or a duty issue handgun (M9) in Kansas.

GUIDANCE. Whether or not a member of the Adjutant General's Department chooses to carry a concealed handgun while on duty is a personal decision for each individual. The Adjutant General's Department will not encourage nor discourage its members from choosing to conceal carry a handgun. However, the ability of members of the Adjutant General's Department to carry concealed should not be used to supplement, enhance or replace existing force protection, security and law enforcement measures.

- a. A handgun is defined in Kansas Statutes Annotated 75-7b01.
- b. Personnel on duty may conceal carry personally owned handguns on KSNG owned property and in KSNG owned facilities that do not have adequate security measures in place (i.e., metal detectors) as defined by state law.
- c. Personnel on duty may not conceal carry personally owned handguns while under the influence of alcohol or any other drug or substance. Personnel on duty may not conceal carry a handgun if there is reasonable suspicion they pose a threat to themselves or others.
- d. Personnel on duty who choose to conceal carry a personally owned handgun will maintain positive control of the handgun at all times. The handgun shall be kept concealed on the body and shall not be left unsecured in a backpack, purse, desk, etc. Personnel on duty who choose to conceal carry will not display, exhibit or brandish the handgun except:
 - 1) to properly clear or secure the weapon for a legitimate purpose (i.e., work detail, physical training);
 - 2) to temporarily surrender the weapon at the direction of law enforcement, KSNG security forces or the chain of command (see LIMITATIONS paragraph c.);
 - 3) to use the handgun in self-defense based on a reasonable belief deadly force is immediately necessary to protect themselves or others from an unlawful threat of deadly force.

LIMITATIONS. Personnel who choose to conceal carry a personally owned handgun while on duty must know and understand all federal and state laws applicable to concealed carry. Areas of frequent concern include conceal carry in and around federal and state government buildings, private property and school zones. Violations of such laws can result in criminal charges and/or adverse disciplinary actions.

- a. It is important for personnel who choose to conceal carry while on duty to understand they assume all risk that may result from this decision. Personnel who injure themselves as a result of an accidental, negligent or intentional discharge may not be covered by applicable workers compensation or other insurance policies. Additionally, any injuries to other personnel or property as a result of an accidental, negligent or intentional discharge may not be covered by the Federal Torts Claim Act or the Kansas Torts Claim Act.
- b. ***All personnel electing to conceal carry a personally owned handgun while on duty must understand this action, although authorized by state law, is not within the scope of their official duties as members of the Adjutant General's Department.***
- c. Commanders, managers and supervisors in the grade of O-4 and above have authority to limit or temporarily suspend a members right to carry a concealed handgun while on duty due to legitimate, identifiable safety concerns not otherwise addressed in this guidance or in response to continued violations of the guidance set forth in this memorandum.

All GUIDANCE and paragraph c. under LIMITATIONS of this memorandum are punitive. Violations of these paragraphs may subject the member to punishment under the Uniform Code of Military Justice, the Kansas Code of Military Justice or discipline pursuant to applicable administrative regulations.

The guidance provided in this memorandum and the attached matrix should be considered a starting point for information on concealed carry while on duty. This memorandum will be updated as additional information is provided by the Department of Defense, National Guard Bureau and the State of Kansas. This memorandum does not cover every situation a member of the Adjutant General's Department will encounter, and it is not a substitute for seeking legal advice from competent private legal counsel.



FOR
LEE E. TAFANELLI S. A. Dow BUEGOW
Major General, Kansas National Guard
The Adjutant General

Attachment

	Conceal Carry of Personally Owned Handgun on Duty		Training Required? (Note 3)
	Federal Property (Note 5)	Municipal/State Property (Note 4)	
State Civilian Employee	No	Yes (Note 1)	No
Civilian Contractor	No	Yes (Note 2)	No
Non Dual-Status Federal Technician	No	Yes	No
Dual-Status Federal Technician (Army and Air)	No	Yes	No
State Active Duty (ANG)	No	No	No
State Active Duty (ARNG)	No	Yes	No
Annual Training (M-Day)(ANG)	No	No	No
Annual Training (M-Day)(ARNG)	No	Yes	No
Inactive Duty for Training (IDT)(ANG)	No	No	No
Inactive Duty for Training (IDT)(ARNG)	No	Yes	No
Title 32 Active Duty for Operational Support (ADOS)(ANG)	No	No	No
Title 32 Active Duty for Operational Support (ADOS)(ARNG)	No	Yes	No
Title 32 Active Guard Reserve (AGR)(ANG)	No	No	No
Title 32 Active Guard Reserve (AGR)(ARNG)	No	Yes	No
Title 10 Active Guard Reserve (AGR)	No	No	No
Title 10 Active Duty	No	No	No

Note 1: In accordance with Kansas Department of Administration Memorandum, dated June 30, 2015.

Note 2: Unless otherwise prohibited by Supplying Contractor

Note 3: Training could be provided on a purely voluntary basis. Requiring training would be adding a requirement to state law.

Note 4: Pursuant to the provisions of the law, concealed carry is permitted in any state or municipal building "unless such building has adequate security measures to ensure that no weapons are permitted to be carried into such building..." However, it is important to note there are exceptions to this rule. Certain state and municipal buildings are exempted from this rule and may prohibit concealed carry. Any building prohibiting concealed carry should have the approved signage posted at its entrance. Kansas licensed CCH holders have a general exception to carrying on the grounds of a K-12 school. K-12 schools are required to post AG-approved signage at the building's entrances if the school wants CCH prohibited within the building.

Note 5: This includes government vehicles without proper approval.

This document does not constitute legal advice nor is it intended to discuss every possible scenario or situation that may arise. Individuals must contact competent legal counsel for guidance.

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