



DEPARTMENTS OF THE ARMY AND THE AIR FORCE

HEADQUARTERS, KANSAS NATIONAL GUARD
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NGKS/TAG

26 August 2020

MEMORANDUM FOR All Kansas National Guard Personnel

SUBJECT: TAG Policy Letter #21, Privately Owned Weapons on Kansas National Guard (KSNG) Property

- References:
- (a) 18 U.S. Code § 930, Possession of firearms and dangerous weapons in Federal facilities
 - (b) Kansas Statutes Annotated 21-6309, Unlawful possession of firearms on certain government property
 - (c) Kansas Statutes Annotated 74-5602, Definitions. As used in the Kansas law enforcement training act
 - (d) Kansas Statutes Annotated 75-7c01 through 75-7c20, Personal and family protection act
 - (e) Kansas Statutes Annotated 21-6301, Criminal use of weapons
 - (f) Kansas Administrative Regulation 1-49-11
 - (g) AR 190-11, Physical Security of Arms, Ammunition, and Explosives
 - (h) AR 190-13, The Army Physical Security Program
 - (i) AFI 31-101, Physical Security, and ANG Supplement 1

1. Policy:

a. Pursuant to the Personal and Family Protection Act of Kansas (KSA 75-7c20) and this Policy, certain KSARNG personnel may possess a handgun concealed on their person or in a properly secured vehicle while on KSNG installations or facilities that do not have adequate security measures. This Policy applies to all buildings and property under the control of the KSNG. A handgun is defined in Kansas Statutes Annotated 75-7b01.

b. In accordance with state and federal law, the following personnel may carry a concealed handgun while on duty: KSARNG personnel in a Title 32 AGR status, KSARNG personnel in a 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).

c. 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 personnel in a Title 10 status.

d. This Policy does not grant any authority concerning personally owned firearms (POFs) beyond what is provided in state and federal law. Further, this policy does not apply or authorize the carry of POFs on federally owned, operated or controlled property. Federal law prohibits concealed carry of POFs on federal property.

e. This Policy does not restrict law enforcement authorities, who carry an authorized job-related weapon as part of their assigned duties, from carrying their weapons onto KSNG installations and facilities when in the execution of their official duties. Off-duty law enforcement authorities must

comply with their departmental policies concerning whether they are permitted to conceal carry their job-related weapon onto KSNG installations and facilities.

f. Attached to this Policy is a matrix designed to provide additional assistance in determining when a member of the Kansas Adjutant General's Department may lawfully conceal carry.

2. Responsibilities:

a. The choice to carry a concealed handgun while on duty is a personal decision for each service member. The Adjutant General's Department neither encourages nor discourages its members from choosing to conceal carry a handgun.

b. For safety and security purposes, members of the Adjutant General's Department must comply with the following:

(1) 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.

(2) 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.

(3) Personnel on duty who choose to conceal carry a personally owned handgun must maintain positive control of the handgun at all times. The handgun must be kept concealed on the body or properly secured and must not be left unsecured in a backpack, purse, desk, etc. Personnel on duty who choose to conceal carry must not display, exhibit or brandish the handgun except:

(a) to properly clear or secure the weapon for a legitimate purpose (i.e., work detail, physical training);

(b) to temporarily surrender the weapon at the direction of law enforcement, KSNG security forces or the chain of command;

(c) 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.

(4) All requirements imposed by KSA 75-7c must be followed;

(5) KSNG personnel are not permitted to carry a POF when they are also carrying a military issued weapon or while on field training exercises;

(6) Military service members will adhere to all uniform standards, which prohibit the open carry of POFs while in uniform.

3. Limitations:

a. Personnel who choose to conceal carry a POF 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 may result in criminal charges and/or adverse disciplinary actions.

b. Personnel who conceal carry a POF while on duty assume all risk resulting from or related to their POF. Personnel who conceal carry a POF while on duty will be held personally liable for any negligent or wrongful acts resulting from or related to their POF, including without limitation to bodily injury, property damage, and other losses, liabilities, costs, and expenses. Personnel who injure themselves as a result of an accidental, negligent or intentional discharge of their POF may not be covered by applicable workers compensation, line of duty determinations or other insurance policies. Any injuries to other personnel or property as a result of an accidental, negligent or intentional discharge of a POF may not be covered by the Federal Torts Claim Act or the Kansas Torts Claim Act.

c. All personnel who conceal carry a POF while on duty are doing so outside the scope of their official duties as members of the Adjutant General's Department, regardless of any authorization to conceal carry a POF by state law.

d. Commanders, managers and supervisors in the grade of O-4 and above have authority to limit or temporarily suspend a member's right to conceal carry a POF 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 Policy.

e. 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.

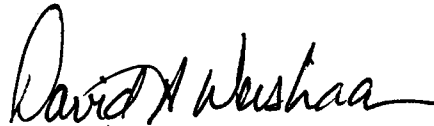
4. Any violation of this Policy by military or civilian employees of the KSNG will result in the person being directed to leave the property with the weapon and may result in disciplinary action taken in accordance with applicable military and civilian regulations and statutes, including without limitation to the Uniform Code of Military Justice, the Kansas Code of Military Justice or applicable administrative regulations.

5. This Policy will be updated as changes in law or regulation are provided by the Department of Defense, National Guard Bureau or the State of Kansas.

6. This Policy does not cover every situation a member of the Adjutant General's Department will encounter and is not a substitute for seeking legal advice from competent private legal counsel.

7. Point of contact for this policy is the Office of the Staff Judge Advocate at (785) 646-0050.

8. This policy supersedes TAG Policy Letter #21 dated 1 May 2012.



DAVID A. WEISHAAR, Major General, KSNG
The Adjutant General

Attachment:

Conceal Carry of Personally Owned Handgun on Duty Chart, 30 Sep 15

	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. Without a license, the provisions of the Federal Gun Free Zone Act apply.

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.

Version 1.4, Last Revised Date 30 September 2015