

## **JFTX P15-08 Personally Owned Firearms (POF) Frequently Asked Questions (FAQ)**

- Can members or employees of the Texas Army National Guard (TXARNG), Texas Air National Guard (TXANG) or Texas State Guard (TXSG) carry a Privately Owned Firearm (POF) while on duty or in uniform? **Yes. However, TXARNG, TXANG or TXSG service members or employees may not carry POFs while on/in federally owned, operated or controlled property or when issued a military weapon. When in service uniform, POFs must be concealed.**
- Can a member's chain of command or supervisor incorporate the use of, or rely upon, POFs when planning or implementing an organizational security plan? **No. POFs are not to be a factor in planning or implementing Texas Military Department's (TMD) localized or integrated security plans.**
- Can a TMD commander or supervisor ask to see their subordinate's or employee's Texas recognized License to Carry (LTC) Handgun? **No. Only magistrates and peace officers (law enforcement) have statutory authority to request a license holder to display LTC identification. (TX Gov Code 411.205).**
- What is the proper response if TMD personnel refuse to show a commander or supervisor a Texas recognized LTC? **Commanders and supervisors do not have statutory authority to ask a service member or employee to display LTC identification. See above.**
- Who MUST a person show their Texas recognized LTC when asked? **Only magistrates and peace officers may request to see a Texas recognized LTC identification, (TX Gov Code 411.205).**
- Can TMD personnel be restricted from carrying a POF by anyone? **The only person that may restrict carry of a POF is the Adjutant General. No other person is authorized to place restrictions on a Texas recognized license holders carrying POFs.**
- During authorized discussions what can/should be addressed with TMD personnel who have or may have a Texas recognized LTC but are under the following:
  - Profile not permitting carry of any weapon – **If a member has a LTC, then the member is permitted to carry a POF under state law. Military mental health regulations cannot be used to restrict license holders from carrying POFs.**
  - Lautenberg – **Lautenberg violations restrict a commander's ability to arm a military member. The Department of Public Safety (DPS) manages the licensing Program for POFs and determines whether an individual qualifies to possess a license. This provision does not authorize a commander to restrict a license holder's ability to possess a LTC if deemed appropriate by DPS. If a member has a LTC, then the member is permitted to carry a POF under state law.**
  - Command Directed Investigations (CDIs) - **If a member has an LTC, then the member is permitted to carry a POF under state law. An ongoing or completed investigation cannot be used as a basis to restrict license holders from carrying POFs.**

## JFTX P15-08 Personally Owned Firearms (POF) Frequently Asked Questions (FAQ)

- Commander's Inquiry - **If a member has an LTC, then the member is permitted to carry a POF under state law. An ongoing or completed investigation cannot be used as a basis to restrict license holders from carrying POFs.**
- Can a Commander or Supervisor confiscate a POF? **No. Only law enforcement may confiscate POFs.**
- If TMD personnel display mental instability, distress or suicidal behavior, can their POF be confiscated? What is the proper response? **No. Only law enforcement may confiscate POFs. If there is an immediate threat, contact local law enforcement. If there is no immediate threat, utilize the programs already in place to assist members (Chaplain Services, Legal Assistance, Mental Health Services and Family Services).**
- May TMD supervisors or employees carry POFs during a Texas Code of Military Justice (TCMJ) action or other adverse personnel action? **Yes. TCMJ and adverse personnel actions do not provide a basis to restrict a Texas recognized license holder's ability to carry a POF.**
- Can command policy require an employee or service member to disclose or declare their LTC or their POF? **No. Commanders/supervisors cannot require employees to "declare" or otherwise disclose that they are carrying a POF. The Adjutant General's policy contains the only authorized restrictions. No other subordinate command policies are authorized.**
- Does this policy require a clearing barrel at all facilities? **No. Employees carrying POFs are not required to clear their POFs before entering a facility.**
- How can I identify my facility as state or federal? **It is the service member's or employee's responsibility to determine whether they are carrying on federal or state property. Carrying POFs on federal property is prohibited and may result in criminal charges. It is recommended that the employee contact the garrison commander or facility manager of the respective facility to determine the nature of the property classification prior to carrying a POF on that property.**
- Can a commander authorize temporary storage of POF in arms room during IDT/AT? **Approval is at the commander's discretion, but approval is not recommended. Use of TMD arms room for POF storage may subject the agency, or individuals, to liability for loss, theft, damage, or improper use of personal property. Army guideline for POF temporary storage is Army Regulation (AR) 190-11, 4-5, p. 23. Air Force guideline for POF temporary storage is Air Force Instruction (AFI) 31-101.**
- Must TMD personnel be licensed to open or conceal carry a POF? **All TMD service members and employees must be in compliance with state law to open or conceal carry a POF. However, commanders or supervisors should not ask service members or employees whether they possess an LTC or require employees to otherwise identify themselves as a license holder.**

## **JFTX P15-08 Personally Owned Firearms (POF) Frequently Asked Questions (FAQ)**

- How do I find the law enforcement agency I should use to respond to my facility? **Contact your servicing Staff Judge Advocate (SJA) to assist with inquiries to local law enforcement.**
- Will TMD provide training for handgun licensing? **No. TMD will not provide training in order for employees or service members to obtain a LTC.**
- Can TMD personnel carry a POF in a GSA? **Yes, as long as the POF is properly secured on his/her person, in compliance with uniform standards and not also carrying a military issued weapon.**
- Can TMD personnel carry a POF in a military vehicle? **Yes. As long as the POF is properly secured on his/her person, in compliance with uniform standards and not also carrying a military issued weapon.**

### **Frequent Scenarios and Responses:**

**Scenario (1):** A traditional guardsman (Army or Air) stops into his/her assigned unit's armory (not a federal property) in the middle of a scheduled work week. The traditional guardsman is dressed in civilian clothes and is open carrying a POF that is visibly holstered on his/her belt.

**Response (1):** The unit's full time staff (FTS) members mentally/privately observe the service member's visible POF. FTS members do not have the authority to request proof of a LTC or to request the POF be stored in the service member's vehicle. FTS will provide required unit activity support to fulfill the traditional guardsman's need for visiting the unit during a scheduled work week.

**Scenario (2):** A service member (Army or Air) in a duty uniform reports to his/her place of duty (not a federal property). The member is open carrying a POF, holstered on his/her belt, which is obvious to a casual observer.

**Response (2):** Open carry in uniform is not authorized. FTS should immediately notify the service member's immediate supervisor or chain of command. The supervisor or military superior shall educate the service member on the Texas Adjutant General's POF policy (JFTX P15-08). The supervisor or military superior will direct the uniformed service member to either properly conceal or secure the POF.

**Scenario (3):** A service member or employee dressed in civilian clothes is open carrying a POF that is visibly holstered on his/her belt. The member visits his/her place of duty to drop off documents needed for the next duty day. While in the workplace (not a federal property) a verbal altercation breaks out between the employee open carrying a POF and another employee who is not carrying a POF. The altercation escalates and the employee not carrying a POF feels threatened by the other employee's statements and/or conduct.

## **JFTX P15-08 Personally Owned Firearms (POF) Frequently Asked Questions (FAQ)**

**Response (3): The employee that is not carrying a POF should contact their immediate supervisor or military superior in charge. The supervisor should professionally resolve the altercation between the two employees. If an immediate threat develops indicating that the license holder may attempt to draw or use the POF, the supervisor should immediately contact local law enforcement.**

### **Supervisor DO's**

- Initially brief, show video, counsel subordinates
- Educate force annually
- Conduct standardized initial and sustainment POF awareness/counseling
- Utilize law enforcement for POF issues
- Have/know law enforcement POC (nested with active shooter response plan)
- Refer all request for information to TMD Public Affairs Office at 512-782-5620

### **Supervisor DO NOTs**

- Do not ask to see Texas License to Carry a Handgun (LTC)
- Do not create or maintain a database or roster of LTC holders
- Do not act in a vacuum use resources and points of contact to guide leadership actions
- Do not confiscate POF's, call law enforcement
- Do not create, add to, or change TAG's Personally Owned Firearms Policy