

JUL 12 2024

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

CHRISTINA SPURLOCK  
CLERK SUPERIOR COURT  
BY: SV DEPUTY

IN THE MATTER OF CONSTABLES  
CARRYING FIREARMS

ADMINISTRATIVE ORDER  
NO. 2024-017

The Arizona Code of Judicial Administration § 5-301 sets forth the statewide court security standards for the Judicial Branch in Arizona. In § 5-301(D)(6)(b), the Code requires the presiding judge of the county to establish policy on the carrying of firearms for personal safety by judicial officers or other court employees in superior courts and justice courts, including consolidated justice and municipal courts. This includes addressing who is authorized to carry a firearm, the training requirements that must be met to be authorized to be armed, and the process for obtaining authorization to be armed, in conformity with state and local laws regulating firearms.

Arizona Revised Statute § 38-1113(C) provides the following:

**A peace officer or retired peace officer, may be prohibited from carrying a firearm as follows:**

1. **In a jail, correctional facility or juvenile detention facility.**
2. **Except for peace officers acting in their official capacity and carrying official peace officer identification, by order of:**
  - (a) **The presiding judge or justice when attending any court that is established pursuant to the constitution of this state or title 12, except if the peace officer or retired peace officer is providing court security or responding to an emergency.**
  - (b) **A justice court when attending the justice court, except if the peace officer or retired peace officer is providing court security or responding to an emergency.**
  - (c) **A municipal court when attending the municipal court, except if the peace officer or retired peace officer is providing court security or responding to an emergency.**

Additionally, A.R.S § 38-1113(G)(2) states: “Peace Officer’ has the same meaning prescribed in section 1-215.” A.R.S. § 1-215 defines “peace officers” to mean “sheriffs of

counties, constables, marshals, policemen of cities and towns, commissioned personnel of the department of public safety, personnel who are employed by the state department of corrections and the department of juvenile corrections *and who have received a certificate from the Arizona peace officer standards and training board.*” Further, A.R.S. § 38-1113(C)(7) states: “A peace officer or retired peace officer may be prohibited from carrying a firearm . . . [p]ursuant to court order.” Finally, A.R.S. § 38-1113(E) states: “[a] presiding judge may establish rules or policies that are consistent with this section for the protection of the court.”

While constables are, in part, peace officers, they are also officers of the Court and are subject to the jurisdiction of the court, and subject to administrative oversight by the presiding judge of the superior court. *See*, A.R.S. § 22-131(a); Rule 92(a)(2), Rules of the Supreme Court; *see also*, *Clark v Campbell*, 219 Ariz. 66 (App. 2008).

Administrative Order No. 2014-038 sets forth the policies, procedures, and restrictions for police officers, probation officers, surveillance officers, and court security officers, and others, to carry firearms in court facilities. However, this Court has not issued any orders or policy directly regarding constables and deputy constables carrying firearms into court facilities, or otherwise when acting as an officer of the Court.

The Presiding Judge has adopted the Mohave County Courts Security Policy Manual containing additional requirements, conditions, and restrictions which are applicable to all persons seeking to carry firearms into court facilities.

Arizona Attorney General Opinion No. I16-008, re: Re: Limitations on Constables Rights to Carry Firearms, clearly differentiates the rights and duties of constables that possess a certificate from the Arizona Peace Officer Standards and Training Board and those that do not.

**IT IS THEREFORE ORDERED** that constables who have a certificate from the Arizona Peace Officer Standards and Training Board—i.e., are AZPOST certified peace officers—are permitted to carry their firearm into court facilities when they are entering the facility in their official capacity.

**IT IS FURTHER ORDERED** that constables who are not AZPOST certified peace officers are permitted to carry their firearm into court facilities if they are entering the facility in their official capacity, and they meet each of the following minimum requirements:

1. Taken and successfully completed an AZPOST approved Firearms Training class.

2. Taken and successfully completed AZPOST approved classes on Use of Force, Laws of Arrest, and Arrest and Control Techniques.
3. Passed a psychological examination that culminates in a written report and suitability determination for carrying a firearm under the color of authority.
4. Possess a valid Arizona Concealed Weapon License.
5. If requested by Arizona Counties Insurance Pool, provided an AZPOST approved background check as described in Arizona Administrative Code Title 13, Ch. 4, section R13-4-106.

**IT IS FURTHER ORDERED** that each constable shall take and successfully complete the entire mandatory basic training course for newly elected constables covering topics including civil and criminal process, conflict resolution and firearm safety, as taught by an AZPOST certified training instructor using AZPOST approved standards, in addition to all other training which may be required by law or court order, as required by A.R.S. § 22-137(E). Such constables must have on file with the Court Security Department proof of successful completion of such training.

**IT IS FURTHER ORDERED** that each constable shall take and successfully complete training and recertification on an annual basis, including: 1) passing an AZPOST firearms qualification and target identification and judgment qualification yearly; and, 2) attending 16 hours of AZPOST approved training each year, pursuant to ARS § 22-137 (E). The foregoing annual training is an addition to all other training required by law or order of the Court.

**IT IS FURTHER ORDERED** that no constable may carry a firearm into a court facility unless that constable has a copy of a current and good standing AZPOST certification and/or proof of successful completion of all the required training and other conditions set forth above, including annual required training, on file with the Court Security Department.

**IT IS FURTHER ORDERED** that constables entering a court facility for personal business, such as appearing in a judicial proceeding as a party to a case, are not permitted to bring a firearm into the facility and must go through security screening the same as any other member of the public.

**IT IS FURTHER ORDERED** that constables are subject to, and must fully comply with, the conditions and restrictions set forth within § 5-306(G)-(Q), Arizona Code of Judicial Conduct, when carrying or possessing a firearm when acting as an officer of the Court, or in and around court facilities, in addition to all directives of a court of competent jurisdiction.

**IT IS FURTHER ORDERED** that constables shall not carry firearms loaded with .357 Magnum, .44 Magnum and 10mm ammunition into court facilities, or otherwise when

acting as an officer of the Court, consistent with Title VI (Firearm Security), Part B, of the Mohave County Courts Security Policy Manual.

**IT IS FURTHER ORDERED** that constables shall comply with the conditions and requirements of the Mohave County Courts Security Policy Manual, Title VII (Use of Force) when carrying or possessing a firearm or other weapons, lethal or non-lethal, when acting as an officer of the Court or in and around court facilities.

**IT IS FURTHER ORDERED** that constables shall not carry any other weapon, lethal or non-lethal, other than their approved firearm, if any, when acting as an officer of the Court, or in and around court facilities, without first obtaining the written permission of the Presiding Judge, after consultation with Court Administration and the Court Security Department.

**IT IS FURTHER ORDERED** that constables shall not carry firearms or any other weapon, lethal or non-lethal, when acting as an officer of the Court, or in and around court facilities, without first obtaining insurance coverage from the Arizona Counties Insurance Pool, specifically Law Enforcement Activities Coverage, and shall meet all Conditions of Coverage for Law Enforcement Activities. Constables must have on file with both the Court Security Department and County Risk Management proof of Law Enforcement Activities Coverage through the Arizona Counties Insurance Pool, before carrying firearms, or any other weapon, lethal or non-lethal, while serving as an officer of the Court.

**IT IS FURTHER ORDERED** that no deputy constable shall be appointed unless:

1. Approved in writing by the Presiding Judge; and,
2. Approved in writing by the Mohave County Board of Supervisors; and,
3. The deputy constable meets all requirements of law, including possessing a valid and current AZPOST peace officer certificate.


**IT IS FURTHER ORDERED** that all orders set forth within this administrative order are equally applicable to deputy constables.

**IT IS FURTHER ORDERED** that constables who violate this administrative order may be held in contempt of court and have sanctions imposed upon them, including but not limited to, fines and incarceration, after notice and opportunity to be heard, and/or may be reported to the Arizona Constable Association and/or Constables' Ethics Standards & Training Board for potential disciplinary action.

**IT IS FURTHER ORDERED** that this order only regulates or restricts a constable's right to carry or possess firearms or other weapons, lethal or non-lethal, at those times and places a constable is acting as an officer of the Court. Nothing within the foregoing shall be deemed to restrict a constable's rights under the Second Amendment of

the United States Constitution or Article 2, Sec. 26, of the Constitution of the State of Arizona, at those times and places a constable is not acting as an officer of the Court.

Dated this 12<sup>th</sup> day of July 2024.



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Honorable Steven C. Moss  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Kip Anderson, Judicial Branch Administrator  
Bob Lawless, Director of Security  
All Mohave County Justices of the Peace  
All Mohave County Constables