

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 29

By: Dahm

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6 AS INTRODUCED

7 An Act relating to the Oklahoma National Guard;
8 creating the Defend the Guard Act; defining terms;
9 requiring an official declaration of war or an action
10 to call forth the state militia by the United States
11 Congress before members of the Oklahoma National
12 Guard may be released from state control to
13 participate in active duty combat; allowing for
14 consent of certain missions; providing for
15 codification; and providing an effective date.

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17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 72.1 of Title 44, unless there
20 is created a duplication in numbering, reads as follows:

21 A. This section shall be known and may be cited as the "Defend
22 the Guard Act".

23 B. For the purposes of this section:

24 1. "Active duty combat" means performing the following services
25 in the active federal military service of the United States:

a. participation in an armed conflict,

b. performance of a hazardous service in a foreign state,

26 or

1 c. performance of a duty through an instrumentality of
2 war; and

3 2. "Official declaration of war" means an official declaration
4 of war made by the United States Congress pursuant to Article I,
5 Section 8, Clause 11 of the United States Constitution.

6 C. Notwithstanding any other provision of The Oklahoma Military
7 Code, the Oklahoma National Guard and any member thereof shall not
8 be released from the state into active duty combat unless the United
9 States Congress has passed an official declaration of war or has
10 taken an official action pursuant to Article I, Section 8, Clause 15
11 of the United States Constitution to explicitly call forth the
12 Oklahoma National Guard and any member thereof for the enumerated
13 purposes to expressly execute the laws of the Union, repel an
14 invasion, or suppress an insurrection. The Governor shall take all
15 actions necessary to comply with the requirements of this section.

16 D. Nothing in this act shall limit or prohibit the Governor
17 from consenting to the deployment of any Oklahoma National Guard
18 member on Title 32, United States Code, defense support for civil
19 authority missions within the United States or United States
20 territories.

21 SECTION 2. This act shall become effective November 1, 2023.

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