

HOUSE BILL 1609

By Reedy

AN ACT to amend Tennessee Code Annotated, Title 58,
Chapter 1, relative to the military.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 58, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Active duty combat" means performing the following services in the active federal military service of the United States:

(A) Participation in an armed conflict;

(B) Performance of a hazardous service relating to an armed conflict in a foreign state; or

(C) Performance of a duty through an instrumentality of war; and

(2) "Official declaration of war" means an official declaration of war made by the United States congress pursuant to the United States Constitution, Article I, § 8, Clause 11.

(b) The Tennessee national guard or a member of the national guard must not be released from military service of this state into active duty combat unless the United States congress has passed an official declaration of war or has taken an official action pursuant to the United States Constitution, Article I, § 8, Clause 15, to explicitly call forth the Tennessee national guard or a member of the national guard for the enumerated purposes of executing the laws of the union, repelling an invasion, or suppressing an insurrection. The governor shall take all actions necessary to comply with this section.

(c) This section does not limit or prohibit the governor from consenting to the deployment of a Tennessee national guard member under title 32 U.S.C., defense support for civil authority missions within the United States and United States territories.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.