

FIRST REGULAR SESSION

# HOUSE BILL NO. 871

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAVIS.

1773H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 41.050, 41.070, 41.080, 41.110, 41.450, 41.460, 41.490, and 41.500, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri military code.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 41.050, 41.070, 41.080, 41.110, 41.450, 41.460, 41.490, and 41.500, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 41.050, 41.070, 41.080, 41.110, 41.450, 41.460, 41.490, and 41.500, to read as follows:

41.050. The militia of the state shall include all able-bodied citizens and all other able-bodied residents, who, in the case of the unorganized militia and the Missouri ~~reserve military force~~ **state defense force**, shall be more than seventeen years of age and not more than sixty-four, and such other persons as may upon their own application be enrolled or commissioned therein, and who, in the case of the organized militia, shall be within the age limits and possess the physical and mental qualifications prescribed by law or regulations for the reserve components of the Armed Forces of the United States, except that this section shall not be construed to require militia service of any persons specifically exempted by the laws of the United States or the state of Missouri. The maximum age requirement may be waived by the adjutant general on a case-by-case basis.

41.070. 1. The militia of the state is divided into two classes, the organized militia and the unorganized militia.

2. The organized militia shall consist of the following:

(1) Such elements of the land and air forces of the National Guard of the United States as are allocated to the state by the President or the Secretary of Army or Air, and accepted by the state, hereinafter to be known as the National Guard and the Air National Guard;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 (2) Such elements of the reserve naval forces of the United States as are allocated to the  
8 state by the President or the Secretary of the Navy, and accepted by the state, hereinafter called  
9 the naval militia; and the

10 (3) Missouri [~~reserve military force~~] **state defense force**, when organized.

11 3. The unorganized militia shall consist of all persons liable to serve in the militia but  
12 not commissioned or enlisted in the organized militia.

41.080. 1. The National Guard, the Air National Guard and the naval militia will be  
2 organized in accordance with the allocations therefor accepted from the federal government.

3 2. The National Guard, the Air National Guard and the naval militia shall be organized  
4 as prescribed in the tables of organization and instructions applicable to those elements of the  
5 organized militia of the United States as are allocated to the state.

6 3. The [~~reserve military force~~] **Missouri state defense force** when organized shall be  
7 of the strength and composition prescribed by the governor, and before entering upon such  
8 services every member shall take and subscribe to the following oath:

9 "I, . . . . ., do solemnly swear that I will support and defend the Constitution of the  
10 United States and the state of Missouri against all enemies, foreign and domestic; that I will bear  
11 true faith and allegiance to the same; that I will obey the orders of the governor of Missouri and  
12 the officers appointed over me, according to law; and I take this obligation freely, without any  
13 mental reservation or purpose of evasion, and that I will well and faithfully discharge my duties  
14 as a member of the organized militia of the state of Missouri upon which I am about to enter, so  
15 help me God."

41.110. The organization, discipline and government of the [~~reserve forces~~] **Missouri  
2 state defense force** and the rights and benefits of the members thereof shall be the same as  
3 prescribed by this act for the organized [~~reserve forces~~] **Missouri state defense force** and for the  
4 National Guard and Air National Guard with such general exceptions as the governor, upon the  
5 recommendation of the military council, shall authorize.

41.450. Arms, uniforms and equipment for the federally recognized components of the  
2 organized militia shall be provided as prescribed in applicable tables of equipment and tables of  
3 organization of the United States Armed Forces. The Missouri [~~reserve military force~~] **state  
4 defense force**, when organized, shall be armed, uniformed and equipped as prescribed by the  
5 governor.

41.460. The system of discipline and training for the federally recognized components  
2 of the organized militia shall conform generally to that of the United States Armed Forces except  
3 as otherwise provided in this military code. The system of discipline and training for the  
4 Missouri [~~reserve military force~~] **state defense force**, when organized, shall be as prescribed by  
5 the governor.

41.490. The governor shall have the power to organize from the unorganized militia of  
2 Missouri a ~~[reserve military force]~~ **state defense force** for duty within or without the state to  
3 supplement the Missouri National Guard or replace it when it is mobilized in federal service.  
4 The Missouri ~~[reserve military force]~~ **state defense force** may be used to execute the laws,  
5 suppress insurrections, repel invasion, suppress lawlessness, and provide emergency relief to  
6 distressed areas in the event of earthquake, flood, tornado, or actual or threatened enemy attack  
7 or public catastrophe creating conditions of distress or hazard to public health and safety beyond  
8 the capacity of local or established agencies. The force shall consist of such organized troops,  
9 auxiliary troops, staff corps and departments as the governor deems necessary. The governor  
10 shall prescribe the strength and composition of the various units of the same, uniform and  
11 insignia and the qualifications of its members, and shall have the power to grant a discharge  
12 therefrom for any reason deemed by him sufficient.

41.500. The governor may call out the ~~[reserve forces]~~ **Missouri state defense force**,  
2 or any part of the same, to execute the laws, to suppress insurrections, repel invasion, and  
3 suppress lawlessness and provide emergency relief to distressed areas in the event of earthquake,  
4 flood, tornado, or other actual or threatened public catastrophe creating conditions of distress or  
5 hazard to public health and safety beyond the capacities of local or other established agencies,  
6 under the same circumstances and in the same manner as is in this chapter provided for the use  
7 of the National Guard, the Air National Guard and the organized militia in such emergencies, and  
8 when so placed on duty, the ~~[reserve forces]~~ **Missouri state defense force** shall have the same  
9 status, power and authority conferred upon the National Guard, the Air National Guard and the  
10 organized militia by this chapter.

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