

FIRST REGULAR SESSION

HOUSE BILL NO. 1228

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COSTLOW.

2736H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 41, RSMo, by adding thereto one new section relating to the Missouri National Guard, with a contingent effective date.

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

Section A. Chapter 41, RSMo, is amended by adding thereto one new section, to be
2 known as section 41.037, to read as follows:

**41.037. 1. This section shall be known and may be cited as the "Defend the
2 Guard Act".**

3 2. As used in this section, the following terms mean:

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

6 (a) Participation in an armed conflict;

7 (b) Performance of a hazardous service in a foreign state; or

8 (c) Performance of a duty through an instrumentality of war;

**9 (2) "Official declaration of war", an official declaration of war made by the
10 United States Congress under Article I, Section 8, Clause 11 of the Constitution of the
11 United States.**

**12 3. Notwithstanding any other provision of law, the Missouri National Guard and
13 any member thereof shall not be released from the state into active duty combat unless
14 the United States Congress has passed an official declaration of war to explicitly call
15 forth the Missouri National Guard. The governor shall take all actions necessary to
16 comply with the requirements of this section.**

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.

17 **4. Nothing in this section limits or prohibits the governor from consenting to the**
18 **deployment of any Missouri National Guard member under Title 32 of the United States**
19 **Code.**

 Section B. Section A of this act shall be effective on January first of the year
2 following the notice to the revisor of statutes that at least ten other states have enacted
3 legislation with provisions similar to the provisions of this act.

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