

2021 Regular Session

HOUSE BILL NO. 345

BY REPRESENTATIVE CREWS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MILITARY AFFAIRS/NATL GD: Prohibits the use of the Louisiana National Guard unless war is declared or the governor approves

1 AN ACT

2 To enact R.S. 29:7.2, relative to the duties of the Louisiana National Guard; to provide for
3 requirements for release of the Louisiana National Guard into active duty; to provide
4 for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 29:7.2 is hereby enacted to read as follows:

7 §7.2. Limitations on deployment

8 A. This Section shall be known and may be cited as the "Defend the Guard
9 Act".

10 B. The legislature finds that Article I, Section 8 of the Constitution of the
11 United States vests in the United States Congress the exclusive power of war.

12 C. For the purposes of this Section:

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

15 (a) Participation in an armed conflict.

16 (b) Performance of a hazardous service in a foreign state.

17 (c) Performance of a duty through an instrumentality of war.

18 (2) "Official declaration of war" means an official declaration of war made
19 by the United States Congress pursuant to Article I, Section 8, Clause 11 of the
20 United States Constitution.

