

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 135

By: Dahm

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6 AS INTRODUCED

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

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

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

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

19 B. For the purposes of this section:

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

22 a. participation in an armed conflict,

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

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

16 SECTION 2. This act shall become effective November 1, 2021.

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