

## HOUSE BILL NO. HB0098

Defend the Guard Act.

Sponsored by: Representative(s) Lindholm, Barlow,  
Blackburn, Blake, Clem, Clifford, Duncan,  
Henderson, Hunt, Olsen and Pelkey and  
Senator(s) Biteman, Case, Hicks and Rothfuss

A BILL

for

1 AN ACT relating to defense forces and affairs; specifying  
2 requirements before the Wyoming national guard or state  
3 militia may be released from the state into active duty  
4 combat; and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 19-8-101 by creating a new subsection  
9 (d), 19-9-103 by creating a new subsection (b) and  
10 19-9-204(b) are amended to read:

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12 **19-8-101. Organized and unorganized militia; defend**  
13 **the militia.**

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1       (d) No militia of the state shall be released from  
2 the state into active duty combat except in accordance with  
3 W.S. 19-9-103(b).

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5       **19-9-103. Manner of calling for duty; defend the**  
6 **guard.**

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8       (b) Notwithstanding any other provision of law, the  
9 Wyoming national guard and any member thereof shall not be  
10 released from the state into active duty combat unless the  
11 United States congress has passed an official declaration  
12 of war or has taken an official action pursuant to article  
13 I, section 8, clause 15 of the United States constitution  
14 to explicitly call forth the Wyoming national guard and any  
15 member thereof for a purpose specified in article I,  
16 section 8, clause 15 of the United States constitution.  
17 The governor shall take all actions necessary to comply  
18 with the requirements of this subsection. As used in this  
19 subsection, "active duty combat" means performing the  
20 following services in the active federal service of the  
21 United States:

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23       (i) Participation in an armed conflict;

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

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(iii) Performance of a duty through an instrumentality of war.

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**19-9-204. Command of military force called into service.**

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(b) Subject to W.S. 19-9-103(b), the national guard of the state may be ordered into the service of the United States by the president of the United States for any purpose for which he is authorized to use militia of the states by the constitution of the United States.

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**Section 2.** This act is effective July 1, 2020.

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(END)