

FIRST REGULAR SESSION

SENATE BILL NO. 767

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

2996S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 41.480, RSMo, and to enact in lieu thereof two new sections relating to deployment of the Missouri National Guard for active duty combat.

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

Section A. Section 41.480, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections 41.037
3 and 41.480, to read as follows:

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

3 (1) "Active duty combat", performing one of the
4 following services:

5 (a) Participation in an armed conflict;

6 (b) Performance of a hazardous service related to an
7 armed conflict in a foreign state; or

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

10 (2) "Official declaration of war", an official
11 declaration of war pursuant to an act of Congress as
12 authorized by Article I, Section 8, Clause 11 of the
13 Constitution of the United States.

14 2. Notwithstanding any other provision of law to the
15 contrary, the Missouri National Guard and the members
16 thereof shall not be called forth into active duty combat by
17 the governor unless the United States Congress has:

18 (1) Made an official declaration of war; or

19 (2) Called forth the Missouri National Guard and the
20 members thereof in an official action taken pursuant to
21 Article I, Section 8, Clause 15 of the Constitution of the
22 United States for the purposes of expressly executing the
23 laws of the United States, repelling invasion, or
24 suppressing an insurrection.

25 3. The governor shall take all necessary actions to
26 comply with the requirements of subsection 2 of this section.

27 4. Nothing in this section shall be construed to
28 prohibit or limit the governor's authority to deploy the
29 Missouri National Guard into active duty for the purposes of
30 defense support for civil authority missions in a foreign
31 state or elsewhere within the United States.

 41.480. 1. Except as provided in section 41.039, the
2 governor may, when in his opinion the circumstances so
3 warrant, call out the organized militia or any portion or
4 individual thereof to execute the laws, suppress actual and
5 prevent threatened insurrection and repel invasion. The
6 governor, if in his judgment the maintenance of law and
7 order will thereby be promoted, may by proclamation declare
8 martial law throughout the state or any part thereof.

9 2. The governor may, when in his opinion circumstances
10 so warrant, call out the organized militia or any portion
11 thereof as he deems necessary to provide emergency relief to
12 a distressed area in the event of earthquake, flood, tornado
13 or other actual or threatened public catastrophe creating
14 conditions of distress or hazard to public health and safety
15 beyond the capacities of local or other established agencies.

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