

SECOND REGULAR SESSION

# SENATE BILL NO. 1332

## 103RD GENERAL ASSEMBLY

---

INTRODUCED BY SENATOR MOON.

5725S.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Section A. Section 41.480, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 41.037 and 41.480, to read as follows: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:**

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.

✓