



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR S.B. 1367

national guard; active duty; requirements

Purpose

Prohibits the National Guard of Arizona from being released into active duty combat unless the U.S. Congress has passed an official declaration of war, or has taken another official constitutional action as outlined.

Background

When the Governor proclaims an emergency or deems it necessary to protect lives and property, the Governor may mobilize all or any part of the National Guard or the unorganized militia into service of Arizona. The order directing the National Guard or the unorganized militia to report for active duty must state the purpose for which it is mobilized and the objectives to be accomplished. Counties and municipalities may request aid from the National Guard to quell any riot, insurrection or civil disturbance, and sheriffs may also request aid from the National Guard for search and rescue operations. If the U.S. President directs mobilization of the National Guard into the U.S. Armed Forces, the Adjutant General must effect the mobilization speedily and in the manner prescribed. Upon mobilization into the U.S. Armed Forces, the National Guard must pass to federal control and must not be subject to military laws of Arizona until it reverts back to control by Arizona ([A.R.S. § 26-172](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the National Guard of Arizona from being released into active duty combat unless the U.S. Congress has passed an official declaration of war, or has taken an official constitutional action explicitly calling forth the National Guard for the purposes of executing the laws of the Union, repelling an invasion or suppressing an insurrection.
2. Requires the Governor to take all actions necessary to comply with these requirements.
3. Defines *active duty combat* as doing any of the following in the active military service of the United States:
 - a) participating in armed conflict;
 - b) performing a hazardous service relating to an armed conflict in a foreign state; or
 - c) performing a duty through an instrumentality of war.
4. Defines *official declaration of war* as an official declaration of war made by the U.S. Congress pursuant to the U.S. Constitution.
5. Becomes effective on the general effective date.