

2023 -- H 6279

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- ORGANIZATION AND
COMMAND OF MILITARY AND NAVAL FORCES

Introduced By: Representatives Place, Morales, and Newberry

Date Introduced: April 07, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 30-2 of the General Laws entitled "Organization and Command of
2 Military and Naval Forces" is hereby amended by adding thereto the following section:

3 **30-2-10.1. Official declaration of war required to deploy.**

4 Notwithstanding any other provision of the general laws, the Rhode Island National Guard
5 and any member thereof shall not be released from the state into active duty combat unless the
6 United States Congress has passed an official declaration of war pursuant to Article 1, Section 8,
7 Clause 11 of the United States Constitution or has taken an official action pursuant to Article I,
8 section 8, Clause 15 of the United States Constitution to explicitly call forth the Rhode Island
9 National Guard and any member thereof for the enumerated purposes to expressly execute the laws
10 of the union, repel an invasion or suppress an insurrection. The governor shall take all actions
11 necessary to comply with the requirements of this section.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require an official declaration of war or an action to call forth the state
2 militia by the United States Congress pursuant to Article 1, Section 8, Clauses 11 and 15 of the
3 United States Constitution before members of the National Guard may be released from state
4 control to participate in active duty combat.

5 This act would take effect upon passage.

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