

HOUSE BILL NO. 4058

January 28, 2021, Introduced by Rep. Steven Johnson and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1967 PA 150, entitled
"Michigan military act,"
(MCL 32.501 to 32.851) by adding section 203.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 203. (1) This section shall be known and may be cited as**
2 **the "defend the guard act".**

3 **(2) Notwithstanding any other provision of this act, the**
4 **Michigan National Guard and any member of the Michigan National**
5 **Guard must not be released from this state into active duty combat**

1 unless the United States Congress has passed an official
2 declaration of war or has taken an official action under clause 15
3 of section 8 of article I of the Constitution of the United States
4 to explicitly call forth the state militia to execute the laws of
5 the union, repel an invasion, or suppress an insurrection. The
6 governor shall take all actions necessary to comply with the
7 requirements of this section.

8 (3) As used in this section:

9 (a) "Active duty combat" means performing any of the following
10 active services in the service of the United States:

11 (i) Participation in an armed conflict.

12 (ii) Performance of a hazardous service.

13 (iii) Performance of a duty under conditions simulating war.

14 (iv) Performance of a duty through an instrumentality of war.

15 (b) "Official declaration of war" means an official
16 declaration of war made by the United States Congress under clause
17 11 of section 8 of article I of the Constitution of the United
18 States.