

HOUSE BILL NO. 4336

March 23, 2023, Introduced by Reps. Carra, DeBoyer, DeSana, Smit, Fox, Paquette, Maddock, Hoadley, Bezotte, Wegela, Friske and Rigas 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 may be known as the "defend the**
2 **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, suppress an insurrection, or repel an invasion. 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 participating in or performing
10 any of the following active services in the service of the United
11 States:

12 (i) An armed conflict.

13 (ii) A hazardous service.

14 (iii) A duty under conditions simulating war.

15 (iv) A duty through an instrumentality of war.

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