STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 860

By: Dahm

AS INTRODUCED

An Act relating to militia; creating the Oklahoma State Guard and Militia Revitalization Act of 2023; providing short title; amending 44 O.S. 2021, Section 41, which relates to composition of militia; modifying requirements for participation in certain militia; establishing certain units within the Oklahoma State Guard; requiring immediate response of certain membership; authorizing requirement for use of privately owned firearms for certain service; establishing requirements for certain firearm; requiring the Adjutant General to promulgate use of firearm standard for emergency situations; establishing certain responsibilities for county units; providing for funding of county units; requiring development of certain coordination plan; requiring adherence to certain standards; requiring certain notice to registered voters; construing provisions; amending 44 O.S. 2021, Sections 242 and 243, which relate to the Oklahoma State Guard Act; modifying requirement for certain service; requiring Governor to make certain appointment; requiring solicitation of nominees for certain positions; establishing requirements and responsibilities for certain positions; setting deadline for initiation of administration of certain units; setting deadline for provision of certain information; directing the Adjutant General to authorize certain training; updating statutory language; providing for noncodification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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SECTION 1.  NEW LAW  A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the “Oklahoma State
Guard and Militia Revitalization Act of 2023”.

SECTION 2.  AMENDATORY  44 O.S. 2021, Section 41, is
amended to read as follows:

Section 41.  A.  The Militia of the State of Oklahoma shall
consist of all able-bodied citizens of the United States and all
other able-bodied persons who are sound of mind, who shall be or
shall have declared their intentions to become citizens of the
United States, who shall be more than seventeen (17) are at least
sixteen (16) years of age and not more than seventy (70) years of
age, and said the militia shall be divided into three (3) classes:
The National Guard, the Oklahoma State Guard, and the Unorganized
Militia; provided, that persons in the Unorganized Militia over the
age of seventy (70) years and under the age of seventeen (17) years
shall be exempt from mandatory service.

B.  A unit of the Oklahoma State Guard (OSG) shall be
established in each county of this state that shall operate under
and report to a designee at the Military Department of the State of
Oklahoma.  Members of each county unit of the Oklahoma State Guard
and of the Unorganized Militia shall be able to immediately respond,
if called into service, fully equipped for infantry or other service
within this state.
C. Privately owned semiautomatic firearms may be required for service for the Oklahoma State Guard or the Unorganized Militia if such firearms are ordered or mustered for service. Any such firearm shall be similar to firearms issued by the military forces of the United States, the National Guard, or the military or police forces of this state, pursuant to regulation developed by the Military Department of the State of Oklahoma. Such firearms shall:

1. Be capable of accepting a standard capacity magazine of greater than ten rounds; and

2. Contain ergonomic features including, but not limited to, any or all of the following:
   a. a pistol grip below the action,
   b. an adjustable buttstock,
   c. a threaded barrel capable of accepting a muzzle device designed to reduce or eliminate harmful noise or flash signature,
   d. a lug capable of accepting a bayonet or other accessories, or
   e. a protective shroud or handguard partially or fully encircling the barrel to prevent barrel heat injury to the user.

D. Notwithstanding the requirements set forth in subsection C of this section, the Adjutant General (TAG) shall promulgate an additional standard for emergency situations that shall authorize
the use of any safe and operable semiautomatic or other rifle, pistol, or shotgun that is in common use by military or police forces.

E. Under orders promulgated by the Governor and the Adjutant General (TAG), each county unit of the Oklahoma State Guard shall ensure the voluntary equipping, training, and readiness to the extent permitted by local county volunteer staffing and interest, and for the training and readiness of volunteers drawn from the Unorganized Militia of this state.

F. This state shall fund the county OSG unit when activated for state active duty, as defined in Section 801 of this title, by order of the Governor, or when called to mandatory training. Counties and citizen groups may voluntarily fund personnel, training, equipment, vehicles, and logistics for their respective county OSG units in coordination with the Military Department of the State of Oklahoma, but such OSG units shall remain under the command of the Department when ordered to service, and any such use of voluntary funding shall be consistent with orders and regulations of the Governor pursuant to Section 243 of this title.

G. The Military Department of the State of Oklahoma shall develop a plan of coordination with county sheriffs and the county’s respective OSG unit for emergency management.

H. County OSG units shall adhere to the uniform and grooming standards set forth in AR-670-1.
I. Beginning December 1, 2023, the registrar of each county shall provide every registered voter with notice of the opportunity for service in and contact information for the county OSG unit, and thereafter, upon first-time voter registration.

J. Nothing in this section shall be construed to require or permit any scheme of licensing, registration, or list of specific firearms.

SECTION 3. AMENDATORY 44 O.S. 2021, Section 242, is amended to read as follows:

Section 242. Such military forces shall be designated as the "Oklahoma State Guard" and shall be composed of officers commissioned or assigned, and such able-bodied male citizens of the state as shall volunteer for service therein. They shall be additional to and distinct from the Oklahoma National Guard of the State of Oklahoma, as defined in Title 32 of the United States Code. They shall not be required to serve outside the boundaries of the State of Oklahoma this state.

SECTION 4. AMENDATORY 44 O.S. 2021, Section 243, is amended to read as follows:

Section 243. A. The Governor shall prescribe rules and regulations governing the enlistment, organization, administration, equipment, discipline and discharge of the personnel of such military forces; to requisition from the Secretary of Defense such arms and equipment as may be in the
possession of and can be spared by the Department of Defense and to extend thereto the facilities of state armories, Armed Forces Reserve Centers, readiness centers, logistics, aviation, and training facilities, warehouses and their equipment and such other state premises and property as may be available for the purpose of drill and instruction. Insofar as applicable the procedure for the enlistment, organization, pay, maintenance, equipment and disciplining of such forces shall be in conformity with the law and the rules and regulations governing and pertaining to the National Guard; provided, that the officers and enlisted personnel in the Oklahoma State Guard shall not receive any compensation or monetary allowances from the state except when activated for state active duty, as defined in Section 801 of this title, by order of the Governor.

B. 1. The Governor shall appoint a Commandant of the Oklahoma State Guard and Unorganized Militia (OSGUM Commandant or “Commandant”) to serve within the Military Department of the State of Oklahoma and to report to the Adjutant General (TAG).

2. Each board of county commissioners shall solicit nominees with prior honorable service in the Armed Forces of the United States or National Guard and who reside within the county, to serve as the interim County Unit Liaison of the Oklahoma State Guard and Unorganized Militia. Any person desiring to serve shall provide to the Board for the county of desired service his or her form DD-214
or form NGB-22 and most recent evaluation report prior to the expiration of his or her term of service. The County Unit Liaison will report to the OSGUM Commandant and to TAG, and such intermediary officers as TAG shall appoint, for ensuring the readiness of the OSG county unit and training opportunities for the Unorganized Militia within the county.

3. No later than November 30, 2023, the board of county commissioners shall appoint an interim County Unit Liaison to initiate the administration of the County Unit of the Oklahoma State Guard and Unorganized Militia.

4. No later than January 30, 2024, and by March 1 of every year thereafter, the Oklahoma National Guard shall provide to County Unit Liaisons a list of persons retired or honorably discharged from the service of the United States or from the National Guard within the last forty-eight (48) months, who reside within the county.

5. TAG shall authorize at least four voluntary Multiple Unit Training Assemblies (MUTA) of Inactive Duty for Training (IDT) per month and fifteen (15) days of annual training.

C. Members of the Oklahoma State Guard shall be considered part of state military forces as defined in Section 801 of this title and shall be subject to the Oklahoma Uniform Code of Military Justice.

D. When prescribing the rules and regulations governing enlistment, organization, administration, equipment, discipline and discharge of the personnel of the Oklahoma State Guard, the Governor
shall issue such rules and regulations in the form of an executive order or in a series of such orders. An executive order or a series of such orders prescribing the rules and regulations governing enlistment, organization, administration, equipment, discipline and discharge of the personnel of the Oklahoma State Guard shall also be published by the Adjutant General as a military publication.

SECTION 5. This act shall become effective November 1, 2023.