

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 860

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to militia; creating the Oklahoma
8 State Guard and Militia Revitalization Act of 2023;
9 providing short title; amending 44 O.S. 2021, Section
10 41, which relates to composition of militia;
11 modifying requirements for participation in certain
12 militia; establishing certain units within the
13 Oklahoma State Guard; requiring immediate response of
14 certain membership; authorizing requirement for use
15 of privately owned firearms for certain service;
16 establishing requirements for certain firearm;
17 requiring the Adjutant General to promulgate use of
18 firearm standard for emergency situations;
19 establishing certain responsibilities for county
20 units; providing for funding of county units;
21 requiring development of certain coordination plan;
22 requiring adherence to certain standards; requiring
23 certain notice to registered voters; construing
24 provisions; amending 44 O.S. 2021, Sections 242 and
25 243, which relate to the Oklahoma State Guard Act;
26 modifying requirement for certain service; requiring
27 Governor to make certain appointment; requiring
28 solicitation of nominees for certain positions;
29 establishing requirements and responsibilities for
30 certain positions; setting deadline for initiation of
31 administration of certain units; setting deadline for
32 provision of certain information; directing the
33 Adjutant General to authorize certain training;
34 updating statutory language; providing for
35 noncodification; and providing an effective date.

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

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

3 This act shall be known and may be cited as the "Oklahoma State
4 Guard and Militia Revitalization Act of 2023".

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

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

18 B. A unit of the Oklahoma State Guard (OSG) shall be
19 established in each county of this state that shall operate under
20 and report to a designee at the Military Department of the State of
21 Oklahoma. Members of each county unit of the Oklahoma State Guard
22 and of the Unorganized Militia shall be able to immediately respond,
23 if called into service, fully equipped for infantry or other service
24 within this state.

1 C. Privately owned semiautomatic firearms may be required for
2 service for the Oklahoma State Guard or the Unorganized Militia if
3 such firearms are ordered or mustered for service. Any such firearm
4 shall be similar to firearms issued by the military forces of the
5 United States, the National Guard, or the military or police forces
6 of this state, pursuant to regulation developed by the Military
7 Department of the State of Oklahoma. Such firearms shall:

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

10 2. Contain ergonomic features including, but not limited to,
11 any or all of the following:

12 a. a pistol grip below the action,

13 b. an adjustable buttstock,

14 c. a threaded barrel capable of accepting a muzzle device
15 designed to reduce or eliminate harmful noise or flash
16 signature,

17 d. a lug capable of accepting a bayonet or other
18 accessories, or

19 e. a protective shroud or handguard partially or fully
20 encircling the barrel to prevent barrel heat injury to
21 the user.

22 D. Notwithstanding the requirements set forth in subsection C
23 of this section, the Adjutant General (TAG) shall promulgate an
24 additional standard for emergency situations that shall authorize

1 the use of any safe and operable semiautomatic or other rifle,
2 pistol, or shotgun that is in common use by military or police
3 forces.

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

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

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

23 H. County OSG units shall adhere to the uniform and grooming
24 standards set forth in AR-670-1.

1 I. Beginning December 1, 2023, the registrar of each county
2 shall provide every registered voter with notice of the opportunity
3 for service in and contact information for the county OSG unit, and
4 thereafter, upon first-time voter registration.

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

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

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

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

20 Section 243. A. The Governor ~~is hereby authorized to~~ shall
21 prescribe rules and regulations governing the enlistment,
22 organization, administration, equipment, discipline and discharge of
23 the personnel of such military forces; to requisition from the
24 Secretary of Defense such arms and equipment as may be in the

1 possession of and can be spared by the Department of Defense and to
2 extend thereto the facilities of state armories, Armed Forces
3 Reserve Centers, readiness centers, logistics, aviation, and
4 training facilities, warehouses and their equipment and such other
5 state premises and property as may be available for the purpose of
6 drill and instruction. Insofar as applicable the procedure for the
7 enlistment, organization, pay, maintenance, equipment and
8 disciplining of such forces shall be in conformity with the law and
9 the rules and regulations governing and pertaining to the National
10 Guard; provided, that the officers and enlisted personnel in the
11 Oklahoma State Guard shall not receive any compensation or monetary
12 allowances from the state except when activated for state active
13 duty, as defined in Section 801 of this title, by order of the
14 Governor.

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

19 2. Each board of county commissioners shall solicit nominees
20 with prior honorable service in the Armed Forces of the United
21 States or National Guard and who reside within the county, to serve
22 as the interim County Unit Liaison of the Oklahoma State Guard and
23 Unorganized Militia. Any person desiring to serve shall provide to
24 the Board for the county of desired service his or her form DD-214

1 or form NGB-22 and most recent evaluation report prior to the
2 expiration of his or her term of service. The County Unit Liaison
3 will report to the OSGUM Commandant and to TAG, and such
4 intermediary officers as TAG shall appoint, for ensuring the
5 readiness of the OSG county unit and training opportunities for the
6 Unorganized Militia within the county.

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

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

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

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

22 ~~C.~~ D. When prescribing the rules and regulations governing
23 enlistment, organization, administration, equipment, discipline and
24 discharge of the personnel of the Oklahoma State Guard, the Governor

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

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

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