

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1396

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 2024;  
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; amending 44 O.S. 2021, Section 242, which  
13 relates to composition of the Oklahoma State Guard;  
14 removing certain limitation on military service;  
15 amending 44 O.S. 2021, Section 243, which relates to  
16 compensation; broadening allowed conditions for  
17 certain compensation; requiring the Governor to make  
18 certain appointment; directing the Adjutant General  
19 to authorize certain training; providing for certain  
20 compensation; establishing certain units within the  
21 Oklahoma State Guard; requiring immediate response of  
22 certain membership; authorizing requirement for use  
23 of privately owned firearms for certain service;  
24 establishing requirements for certain firearm;  
25 requiring the Adjutant General to promulgate standard  
26 for use of firearms in emergency situations;  
27 establishing certain responsibilities for county  
28 units; providing for funding of county coordinators  
29 and county units; requiring development of certain  
30 coordination plan; requiring adherence to certain  
31 standards; requiring certain notice to registered  
32 voters; construing provisions; providing for  
33 appointment and approval of interim county  
34 coordinators; stating certain powers and duties;  
35 requiring provision of certain information; creating  
36 certain revolving fund for specified purposes;  
37 updating statutory language; providing for  
38 noncodification; providing for codification; and  
39 providing an effective date.

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

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 2024".

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.

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

1 state as shall volunteer for service therein. They shall be  
2 additional to and distinct from the National Guard of the State of  
3 Oklahoma, as defined in Title 32 of the United States Code. They  
4 shall not be required to serve outside the boundaries of ~~the State~~  
5 ~~of Oklahoma~~ this state.

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

8 Section 243. A. The Governor ~~is hereby authorized to~~ shall  
9 prescribe rules and regulations governing the enlistment,  
10 organization, administration, equipment, discipline and discharge of  
11 the personnel of such military forces; to requisition from the  
12 Secretary of Defense such arms and equipment as may be in the  
13 possession of and can be spared by the Department of Defense and to  
14 extend thereto the facilities of state armories, Armed Forces  
15 Reserve Centers, readiness centers, logistics, aviation, and  
16 training facilities, warehouses and their equipment and such other  
17 state premises and property as may be available for the purpose of  
18 drill and instruction. Insofar as applicable the procedure for the  
19 enlistment, organization, pay, maintenance, equipment and  
20 disciplining of such forces shall be in conformity with the law and  
21 the rules and regulations governing and pertaining to the National  
22 Guard; provided, that the officers and enlisted personnel in the  
23 Oklahoma State Guard shall not receive any compensation or monetary  
24 allowances from the state except ~~when~~ when:

1        1. When activated for state active duty, as defined in Section  
2 801 of this title, by order of the Governor;

3        2. When attending state-mandated training; or

4        3. For Oklahoma State Guard county coordinators or state-level  
5 full-time personnel.

6        B. The Governor shall appoint a Commandant of the Oklahoma  
7 State Guard and Unorganized Militia (OSGUM Commandant or  
8 "Commandant") to serve within the Military Department of the State  
9 of Oklahoma and to report to the Adjutant General (TAG).

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

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

22        E. TAG shall authorize at least four voluntary Multiple Unit  
23 Training Assemblies (MUTA) of Inactive Duty for Training (IDT) per  
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1 month and fifteen (15) days of annual training. Personnel shall be  
2 compensated by the state for attending such trainings.

3 SECTION 5. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 251.1 of Title 44, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. A unit of the Oklahoma State Guard (OSG) shall be  
7 established in each county of this state that shall operate under  
8 and report to a county coordinator. Members of each county unit of  
9 the Oklahoma State Guard and of the Unorganized Militia shall be  
10 able to immediately respond, if called into service, fully equipped  
11 for infantry or other service within this state.

12 B. Privately owned semiautomatic firearms may be required for  
13 service for the Oklahoma State Guard or the Unorganized Militia if  
14 such firearms are ordered or mustered for service. Any such firearm  
15 shall be similar to firearms issued by the military forces of the  
16 United States, the National Guard, or the military or police forces  
17 of this state, pursuant to regulation developed by the Military  
18 Department of the State of Oklahoma. Such firearms shall:

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

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

23 a. a pistol grip below the action,

24 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.

C. Notwithstanding the requirements set forth in subsection B 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.

D. Under orders promulgated by the Governor and the Adjutant General (TAG), each county coordinator of the Oklahoma State Guard shall ensure the 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.

E. 1. The State of Oklahoma shall fund:

- a. the position of the county coordinator, and
- b. the county OSG unit when activated for state active duty, as defined in Section 801 of this title, by

1 order of the Governor, or when called to mandatory  
2 training.

3 2. Counties and citizen groups may voluntarily fund personnel,  
4 training, equipment, vehicles, and logistics for their respective  
5 county OSG units in coordination with the Military Department of the  
6 State of Oklahoma, but such OSG units shall remain under the command  
7 of the Department when ordered to service, and any such use of  
8 voluntary funding shall be consistent with orders and regulations of  
9 the Governor pursuant to Section 243 of this title.

10 F. The Military Department of the State of Oklahoma shall  
11 develop a plan of coordination with county sheriffs and the county's  
12 respective OSG unit for emergency management.

13 G. County OSG units shall adhere to the uniform and grooming  
14 standards set forth in Army Regulations AR 670-1.

15 H. Beginning December 1, 2024, the county election board  
16 secretary of each county shall provide every registered voter with  
17 notice of the opportunity for service in and contact information for  
18 the county OSG unit, and thereafter, upon first-time voter  
19 registration.

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

1 SECTION 6. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 251.2 of Title 44, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The sheriff of each county in this state shall solicit  
5 nominees with prior honorable service in the Armed Forces of the  
6 United States or National Guard and who reside within the county, to  
7 serve as the interim Oklahoma State Guard county coordinator for  
8 that county. Any person desiring to serve shall provide to the  
9 sheriff for the county of desired service his or her Certificate of  
10 Release or Discharge from Active Duty (Form DD 214) or National  
11 Guard Report of Separation and Record of Service (NGB Form 22) and  
12 most recent evaluation report prior to the expiration of his or her  
13 term of service.

14 B. No later than November 30, 2024, the sheriff of each county  
15 in this state shall appoint an interim county coordinator. The  
16 appointment must be approved by a majority vote of the board of  
17 county commissioners.

18 C. The county coordinator shall have the power and duty to  
19 initiate the administration of the county unit of the Oklahoma State  
20 Guard and Unorganized Militia. The county coordinator shall report  
21 to the OSGUM Commandant and to TAG, and such intermediary officers  
22 as TAG shall appoint, for ensuring the readiness of the OSG county  
23 unit and training opportunities for the Unorganized Militia within  
24 the county.

1 D. No later than January 30, 2025, and by March 1 of every year  
2 thereafter, the Oklahoma National Guard shall provide to county  
3 coordinators a list of persons retired or honorably discharged from  
4 the service of the United States or from the National Guard within  
5 the last forty-eight (48) months, who reside within the county.

6 SECTION 7. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 251.3 of Title 44, unless there  
8 is created a duplication in numbering, reads as follows:

9 There is hereby created in the State Treasury a revolving fund  
10 for the Military Department of the State of Oklahoma to be  
11 designated the "Oklahoma State Guard Revolving Fund". The fund  
12 shall be a continuing fund, not subject to fiscal year limitations,  
13 and shall consist of all monies received by the Department from  
14 appropriations, grants, or private donations provided for the  
15 purposes stated in this section. All monies accruing to the credit  
16 of the fund are hereby appropriated and may be budgeted and expended  
17 by the Department for the following purposes:

- 18 1. Funding the positions of Oklahoma State Guard county  
19 coordinators; and
- 20 2. Making grants to county coordinators to be used for training  
21 of personnel and purchasing of ammunition, weaponry, and other  
22 necessary equipment.

23 Expenditures from the fund shall be made upon warrants issued by  
24 the State Treasurer against claims filed as prescribed by law with

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the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 8. This act shall become effective November 1, 2024.

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