

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1191

By: Webb

AS INTRODUCED

An Act relating to militia; amending 44 O.S. 1991, Section 47, which relates to enlistment in the National Guard; requiring certain testing upon application for enlistment; requiring certain records; and providing an effective date.

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

SECTION 1. AMENDATORY 44 O.S. 1991, Section 47, is amended to read as follows:

Section 47. A. Enlistments in the National Guard. Hereafter, the period of enlistment in the National Guard of this state shall be for three (3) years or such other time as prescribed by National Guard Regulations, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army or Regular Air Force or National Guard regulations; provided that the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in the said service shall not be denied except as herein otherwise provided. All enlisted men of the National Guard of this state shall sign an enlistment contract and take and subscribe to the oath required by National Guard

Regulations. Any officer or warrant officer of the Armed Forces of the United States may administer the enlistment oath.

B. 1. By complying with this subsection, a single custodial parent who is an applicant for enlistment in the Oklahoma National Guard satisfies the requirements of National Guard Regulation 600-200 or Air National Guard Regulation 39-09 regarding relinquishment of custody by relinquishing custody of a minor child to an adult blood relative of the child within the third degree of consanguinity for all periods of active duty during the term of enlistment; provided, such relinquishment shall:

- a. be in writing,
- b. clearly identify the child, the person to whom custody is being relinquished, that person's relationship to the child, and the period of enlistment for which custody is to be relinquished,
- c. be executed by the parent/applicant before a notary public, and
- d. clearly state that it is for all purposes, including health care, during the periods of time in question.

2. A certified copy or executed copy of the written relinquishment shall become a part of the applicant's permanent Oklahoma National Guard file.

3. Nothing in this section shall terminate, interfere, delay or negate any right of visitation by the noncustodial parent, or any person granted visitation by court order.

4. It is the intent of the Legislature that relinquishment pursuant to the provisions of this section shall not be a substantial change to any existing custody decree nor shall it be deemed a voluntary relinquishment of custody.

C. Each applicant for enlistment in the Oklahoma National Guard shall be tested for the Human Immunodeficiency Virus (HIV). If an applicant tests positive for HIV that information shall become a

permanent part of the record maintained on the person by the  
National Guard.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5163

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