

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2819

By: Moore

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6 AS INTRODUCED

7 An Act relating to militia; providing for membership
8 in the Oklahoma Unorganized Militia; directing
9 supervision; declaring powers and duties of the
10 Oklahoma Unorganized Militia; amending 44 O.S. 2011,
11 Section 72, which relates to ordering militia into
active service; authorizing the Governor to order out
the unorganized militia in certain circumstances;
providing for codification; and declaring an
emergency.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 60 of Title 44, unless there is
17 created a duplication in numbering, reads as follows:

18 A. Pursuant to the provisions of Section 41 of Title 44 of the
19 Oklahoma Statutes an able-bodied citizen of this state who is over
20 seventeen (17) years of age and can legally purchase a firearm is
21 deemed a member of the Oklahoma Unorganized Militia, unless he or
22 she is already a member of the National Guard or the organized
23 militia not in National Guard service.
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1 B. The unorganized militia shall be under the supervision of
2 the Governor, as Commander-in-Chief, and the Adjutant General and
3 shall be regulated through the actions of the Legislature.

4 C. The powers and duties of the Oklahoma Unorganized Militia
5 include:

6 1. The militia may be ordered to active duty pursuant to the
7 provisions of Section 72 of Title 44 of the Oklahoma Statutes;

8 2. A militia member, at the member's own expense, shall have
9 the right to possess and keep all arms that could be legally
10 acquired or possessed by an Oklahoma citizen as of December 31,
11 2014. This includes shouldered rifles and shotguns, handguns,
12 clips, magazines, and all components;

13 3. The unorganized militia shall not fall under any law or
14 regulation or jurisdiction of any person or entity outside of
15 Oklahoma; and

16 4. A member may resign at any time from the unorganized
17 militia, at which time the member will resume his or her civilian
18 status.

19 SECTION 2. AMENDATORY 44 O.S. 2011, Section 72, is
20 amended to read as follows:

21 Section 72. A. It shall be the duty of the Governor and ~~he~~ the
22 Governor is authorized and required, in case of war, invasion,
23 insurrection, or breach of the peace or imminent danger thereof or
24 any forcible obstructing of the execution of the laws or reasonable

1 apprehension thereof, and at all other times he may deem necessary
2 to order on state duty the National Guard or any part thereof. No
3 member thereof who shall be ordered out for such duty shall be
4 liable for civil prosecution for any act done by him in the
5 discharge of his military duty on such occasion, and when the
6 President of the United States shall make a call, order, or
7 requisition for troops, the Governor shall first order into the
8 service of the United States the organizations and arms of the
9 service specified in said requisition.

10 B. In the event of imminent danger or threat to the sovereignty
11 or control of the State of Oklahoma by either domestic or foreign
12 forces, if the Governor shall have ordered into active service all
13 of the available forces of the National Guard of Oklahoma and
14 considers them insufficient in numbers to properly accomplish the
15 purpose, the Governor may then in addition order out the unorganized
16 militia or such portion thereof as the Governor may deem necessary
17 and cause them to perform such military duty as the circumstances
18 may require.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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24 54-2-9614 AMM 01/10/14