

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 2004

By: Deever

6 AS INTRODUCED

7 An Act relating to the Oklahoma National Guard;  
8 creating the Defend the Guard Act; providing short  
9 title; defining terms; establishing conditions for  
10 release of Oklahoma National Guard into active duty  
combat; authorizing consent of Governor for certain  
missions; providing for codification; and providing  
an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 72.1 of Title 44, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. This section shall be known and may be cited as the "Defend  
18 the Guard Act".

19 B. For the purposes of this section:

20 1. "Active duty combat" means performing the following services  
21 in the active federal military service of the United States:

22 a. participation in an armed conflict,

23 b. performance of a hazardous service in a foreign state,

24 or

c. performance of a duty through an instrumentality of war; and

2. "Official declaration of war" means an official declaration of war made by the United States Congress pursuant to Article I, Section 8, Clause 11 of the United States Constitution.

C. Notwithstanding any other provision of The Oklahoma Military Code, the Oklahoma National Guard and any member thereof shall not be released from the state into active duty combat unless the United States Congress has passed an official declaration of war or has taken an official action pursuant to Article I, Section 8, Clause 15 of the United States Constitution to explicitly call forth the Oklahoma National Guard and any member thereof for the enumerated purposes to expressly execute the laws of the Union, repel an invasion, or suppress an insurrection. The Governor shall take all actions necessary to comply with the requirements of this section.

D. Nothing in this act shall limit or prohibit the Governor from consenting to the deployment of any Oklahoma National Guard member under the provisions of Title 32, United States Code, as defense support for civil authority missions within the United States or United States territories.

SECTION 2. This act shall become effective November 1, 2026.

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