

1                                   **REPEAL OF UTAH STATE DEFENSE FORCE**

2   **ACT**

3   2001 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Neal B. Hendrickson**

6 **This act modifies the Militia and Armories Title. This act repeals provisions authorizing the**  
7 **Utah state defense force.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 REPEALS:

10           **39-4-1**, as last amended by Chapter 210, Laws of Utah 1988

11           **39-4-2**, Utah Code Annotated 1953

12           **39-4-3**, as last amended by Chapter 210, Laws of Utah 1988

13           **39-4-4**, Utah Code Annotated 1953

14           **39-4-5**, Utah Code Annotated 1953

15           **39-4-6**, Utah Code Annotated 1953

16           **39-4-7**, Utah Code Annotated 1953

17           **39-4-8**, Utah Code Annotated 1953

18           **39-4-9**, Utah Code Annotated 1953

19           **39-4-10**, as last amended by Chapter 210, Laws of Utah 1988

20           **39-4-11**, as last amended by Chapter 210, Laws of Utah 1988

21           **39-4-12**, as last amended by Chapter 210, Laws of Utah 1988

22           **39-4-13**, as last amended by Chapter 210, Laws of Utah 1988

23 *Be it enacted by the Legislature of the state of Utah:*

24           Section 1. **Repealer.**

25           This act repeals:

26           Section **39-4-1, Governor authorized to organize Utah State Defense Force.**

27           Section **39-4-2, Governor to prescribe rules and regulations.**

- 28           Section **39-4-3, Compensation of force members.**
- 29           Section **39-4-4, Governor may requisition arms and equipment from secretary of**
- 30 **defense.**
- 31           Section **39-4-5, Service outside state prohibited -- Exceptions.**
- 32           Section **39-4-6, Forces of another state in fresh pursuit may make arrests.**
- 33           Section **39-4-7, State Defense Force, as such, not subject to United States military**
- 34 **service -- Members not exempt from United States military service.**
- 35           Section **39-4-8, No organizations to be enlisted as a unit.**
- 36           Section **39-4-9, Qualifications of members.**
- 37           Section **39-4-10, Oaths of force officers.**
- 38           Section **39-4-11, Term of force enlistment -- Oaths.**
- 39           Section **39-4-12, Military court law and rules of National Guard applicable -- Privilege**
- 40 **from arrest, posse comitatus, and jury service.**
- 41           Section **39-4-13, Short title.**

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**Legislative Review Note**  
**as of 11-15-00 4:24 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Committee Note**

The Government Operations Interim Committee recommended this bill.