

39-1-1 Militia -- How constituted -- Persons exempted.

- (1) All able-bodied citizens, and all able-bodied persons of foreign birth who have declared their intention to become citizens, who are 18 years of age or older and younger than 45 years of age, who are residents of this state, constitute the militia, subject to the following exemptions:
 - (a) persons exempted by laws of the United States;
 - (b) persons exempted by the laws of this state;
 - (c) all persons who have been honorably discharged from the army, air force, navy, or volunteer forces of the United States;
 - (d) active members of any regularly organized fire or police department in any city or town, but no member of the active militia is relieved from duty because of his joining any volunteer fire company or department;
 - (e) judges and clerks of courts of record, state and county civil officers holding office by election, state officers appointed by the governor for a specified term of office, ministers of the gospel, practicing physicians, superintendents, officers and assistants of hospitals, prisons and jails, conductors, brakemen, flagmen, engineers and firemen of railways, and all other employees of railways actually employed in train service; and
 - (f) idiots, lunatics, and persons convicted of infamous crime.
- (2) All exempted persons, except those enumerated in Subsections (1)(a) through (f), are liable to military duty in case of war, insurrection, invasion, tumult, riot, or public disaster, or imminent danger of any of these, or after they have voluntarily enlisted in the National Guard of this state.

Amended by Chapter 324, 2010 General Session