

Effective 5/4/2022

Chapter 4 Utah State Defense Force

39A-4-101 Utah State Defense Force -- How constituted.

- (1) Unless exempt under Subsection (3), in accordance with the Utah Constitution, Article XV, Section 1, all able-bodied male inhabitants of the state, between the ages of 18 and 45 years old, except such as are exempted by law, constitute the Utah State Defense Force.
- (2) Individuals 18 years old or older, who are residents of the state, may volunteer for consideration by the adjutant general to be members of the Utah State Defense Force.
- (3) Individuals exempt from Subsection (1) include:
 - (a) individuals exempted from military service by laws of the United States;
 - (b) individuals exempted from military service by the laws of this state;
 - (c) all individuals who have been honorably discharged from the armed forces, or volunteer forces of the United States;
 - (d) active members of any regularly organized fire or police department in any city or town, but a member of the active defense force may not be relieved from duty because the individual joined any volunteer fire company or department;
 - (e) judges and clerks of courts of record;
 - (f) state and county civil officers holding office by election;
 - (g) state officers appointed by the governor for a specified term of office;
 - (h) ministers of the gospel; and
 - (i) practicing physicians and hospital officers and assistants.
- (4) All individuals described in Subsection (1) 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 voluntarily enlisting in the National Guard of this state.

39A-4-102 Governor authorized to organize Utah State Defense Force.

- (1) The governor, by virtue of the governor's office, may organize and maintain the Utah State Defense Force.
- (2) The Defense Force may be composed of officers commissioned or assigned, and able-bodied citizens of the state who volunteer for service, supplemented if necessary by individuals enrolled by draft or otherwise as provided by law.
- (3) The Defense Force shall be additional to and distinct from the National Guard.
- (4) The Defense Force may have prescribed uniforms.
- (5) If ordered to active service by the governor, the Defense Force shall be under the command of the adjutant general.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-103 Qualifications of members.

An individual may not be commissioned or enlisted in the Defense Force who:

- (1) is not a citizen of the United States; or
- (2) has been expelled or dishonorably discharged from any military service.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-104 Term of force enlistment -- Oaths.

- (1) An individual may not be enlisted in the Defense Force for more than one year, but an enlistment may be renewed.
- (2) The oath to be taken upon enlistment in the Defense Force shall be substantially in the form prescribed for enlisted individuals of the National Guard, substituting the words, "Utah State Defense Force," where necessary.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-105 Oaths of force officers.

The oath to be taken by officers commissioned in the Defense Force shall be substantially in the form prescribed for officers of the National Guard, but substituting the words "Utah State Defense Force," where necessary.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-106 Compensation of force members.

- (1) Members of the Utah State Defense Force, when called into active service by the governor, shall receive compensation as prescribed by the governor.
- (2) The compensation may not exceed the rate of pay prescribed for officers and other members of the National Guard when called into active service of the state by the governor.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-107 No organizations to be enlisted as a unit.

A civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league, or other combination of individuals or civil group may not enlist in the Defense Force as an organization, detachment, company, or unit.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-108 Service outside state prohibited -- Exceptions.

- (1) The Defense Force may not be required to serve outside the boundaries of this state unless the governor, in response to a request from the governor of another state through the Emergency Management Assistance Compact, orders the Defense Force to assist outside the state.
- (2) The Defense Force may be recalled by the governor at any time.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-109 Military court law and rules of National Guard applicable.

When the Defense Force or any part of it is ordered to active service Chapter 5, Utah Code of Military Justice, as it applies to the National Guard, and regulations prescribed under it apply to the Utah State Defense Force.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-110 State Defense Force not subject to United States military service -- Members not exempt from United States military service.

- (1) This act may not be construed as authorizing the Defense Force to be called, ordered or in any manner drafted, as such into the military service of the United States.
- (2) An individual is not, by reason of enlistment or commission in the Defense Force, exempted from military service under any law of the United States.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-111 Governor may requisition arms and equipment from secretary of defense.

For the use of the Defense Force, the governor is authorized to requisition from the secretary of defense arms, ammunition, and equipment and to make the facilities and equipment of the National Guard available to the Defense Force.

Renumbered and Amended by Chapter 373, 2022 General Session

39A-4-112 Governor may proclaim martial law.

- (1) Whenever the Defense Force or any portion of the Defense Force is called into active service, the governor may, by proclamation, declare all or any part of any county, city or town in which the troops are serving to be under martial law.
- (2) When the Defense Force is in active service, the commanding officer and his subordinates may cooperate with the civil authorities as directed by the adjutant general.

Renumbered and Amended by Chapter 373, 2022 General Session