

28 **39-1-54. Privilege from arrest or citation -- Exceptions.**

29 (1) ~~[The members]~~ A member of the National Guard [are] is privileged from arrest or
30 citation by civil authorities [during their attendance at drill parades or encampments, or in
31 going to and returning from any of these activities.];

32 (a) during military formations, exercises, mobilizations, or other duty when exigent,
33 perilous, emergency, or similar circumstances require the member ~~H→~~ ' ~~←H~~ s presence; and

34 (b) while traveling to and from military duty locations when exigent, perilous,
35 emergency, or similar circumstances require the member ~~H→~~ ' ~~←H~~ s presence.

36 (2) This privilege does not extend to arrest or citation for:

37 (a) treason;

38 (b) any ~~H→~~ class A misdemeanor or ←H felony;

39 (c) breach of the peace; or

40 (d) operation of a vehicle in a reckless manner or while under the influence of any drug
41 or alcohol[~~;~~].

42 [~~(e) offenses which under state law are class A misdemeanors or greater.~~]

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