

REFERENCE TITLE: national guard; active duty; requirements

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1367**

Introduced by  
Senators Rogers: Kern, Kerr, Shamp

AN ACT

AMENDING TITLE 26, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 26-164; RELATING TO THE NATIONAL GUARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 26, chapter 1, article 3, Arizona Revised  
3 Statutes, is amended by adding section 26-164, to read:  
4 26-164. Active duty combat; requirements; definitions  
5 A. NOTWITHSTANDING ANY OTHER LAW, THE NATIONAL GUARD OF ARIZONA MAY  
6 NOT BE RELEASED FROM THIS STATE INTO ACTIVE DUTY COMBAT UNLESS THE UNITED  
7 STATES CONGRESS HAS PASSED AN OFFICIAL DECLARATION OF WAR OR HAS TAKEN AN  
8 OFFICIAL ACTION PURSUANT TO ARTICLE I, SECTION 8, CLAUSE 15, CONSTITUTION  
9 OF THE UNITED STATES, TO EXPLICITLY CALL FORTH THE NATIONAL GUARD OF  
10 ARIZONA FOR THE ENUMERATED PURPOSES OF EXECUTING THE LAWS OF THE UNION,  
11 REPELLING AN INVASION OR SUPPRESSING AN INSURRECTION. THE GOVERNOR SHALL  
12 TAKE ALL ACTIONS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THIS  
13 SECTION.  
14 B. FOR THE PURPOSES OF THIS SECTION:  
15 1. "ACTIVE DUTY COMBAT" MEANS DOING ANY OF THE FOLLOWING IN THE  
16 ACTIVE MILITARY SERVICE OF THE UNITED STATES:  
17 (a) PARTICIPATING IN AN ARMED CONFLICT.  
18 (b) PERFORMING A HAZARDOUS SERVICE RELATING TO AN ARMED CONFLICT IN  
19 A FOREIGN STATE.  
20 (c) PERFORMING A DUTY THROUGH AN INSTRUMENTALITY OF WAR.  
21 2. "OFFICIAL DECLARATION OF WAR" MEANS AN OFFICIAL DECLARATION OF  
22 WAR MADE BY THE UNITED STATES CONGRESS PURSUANT TO ARTICLE I, SECTION 8,  
23 CLAUSE 11, CONSTITUTION OF THE UNITED STATES.