

By: White

H.B. No. 4075

A BILL TO BE ENTITLED

AN ACT

relating to the Texas reserve militia.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 431.001(1), Government Code, is amended to read as follows:

(1) "Reserve militia" means the persons liable to serve under Section 431.073 or who otherwise are willing to serve, but who are not serving, in the state military forces.

SECTION 2. Section 431.071, Government Code, is amended to read as follows:

Sec. 431.071. GOVERNOR'S COMMAND; MILITARY DUTY. (a) The governor shall have sole and direct command over the reserve militia.

(b) Except as provided by Subsection (d), the ~~[The reserve militia is not subject to active military duty, except that the]~~ governor may call into the service of the state for a period not to exceed 90 days all or any ~~[the]~~ portion of the reserve militia ~~[needed for the period required]~~ in case of natural disaster, war, insurrection, invasion ~~[or prevention of invasion], [suppression of]~~ riot, tumult, or breach of peace or to aid civil officers to execute law or serve process.

(c) ~~[(b)]~~ The governor may assign members of the reserve militia who are called into service to existing organizations of the state military forces or organize them as circumstances

1 require.

2 (d) The legislature may by law terminate the period of
3 service established by the governor under Subsection (b). The
4 governor may request the legislature to authorize an extension of
5 the 90-day period of service under Subsection (b) for a specified
6 time. An extension may be granted only by unanimous vote of each
7 house of the legislature.

8 SECTION 3. Subchapter E, Chapter 431, Government Code, is
9 amended by adding Section 431.0715 to read as follows:

10 Sec. 431.0715. MILITIA MEMBER OATH AND AUTHORITY. (a) On
11 being called into service by the governor under Section 431.071,
12 each member of the reserve militia must willingly swear or affirm an
13 oath administered by this state to uphold the constitutions of the
14 United States of America and this state.

15 (b) The governor may grant law enforcement or military
16 authority only to reserve militia members:

17 (1) whom the governor has called into service; and
18 (2) who have taken the oath required by Subsection
19 (a).

20 (c) A reserve militia member may exercise only the law
21 enforcement or military authority granted to the member by the
22 governor.

23 (d) Any law enforcement or military authority granted to a
24 member of the reserve militia under this section terminates at the
25 earliest of:

26 (1) the governor's rescinding the grant of authority;
27 or

1 (2) the member's period of service expiring or being
2 terminated by the legislature.

3 (e) The governor may grant under this section only the law
4 enforcement or military authority the governor has under other law.

5 SECTION 4. The heading to Section 431.073, Government Code,
6 is amended to read as follows:

7 Sec. 431.073. DRAFT; VOLUNTARY SERVICE; ELIGIBILITY.

8 SECTION 5. Section 431.073, Government Code, is amended by
9 adding Subsections (a-1) and (c) to read as follows:

10 (a-1) The county emergency board by order may authorize
11 persons to voluntarily appear and report for service in the reserve
12 militia who are otherwise not required to appear and report for
13 service under this section.

14 (c) A person is eligible to serve in the reserve militia if
15 the person is:

16 (1) at least 18 years of age; and

17 (2) not convicted of a felony.

18 SECTION 6. Subchapter E, Chapter 431, Government Code, is
19 amended by adding Sections 431.0735 and 431.0736 to read as
20 follows:

21 Sec. 431.0735. RESERVE MILITIA ARMS. (a) In this section,
22 "adjutant general" means the military commander of the state
23 military forces.

24 (b) The adjutant general shall designate weapon calibers
25 suitable for reserve militia weapons and, as necessary, update the
26 designations every four years.

27 (c) In designating weapon calibers under this section, the

1 adjutant general shall ensure that the calibers are compatible with
2 calibers used by the armed forces of the United States.

3 (d) The adjutant general shall ensure state armories
4 possess sufficient amounts of designated ammunition to supply the
5 reserve militia with necessary ammunition during the militia's
6 service.

7 (e) The governor may take steps to acquire and maintain
8 equipment in the state armories for use by the reserve militia.

9 (f) This section may not be construed as authorizing the
10 possession of a firearm or body armor by a person otherwise
11 prohibited by law from that possession.

12 Sec. 431.0736. STUDY ON RESERVE MILITIA; TEMPORARY
13 PROVISION. (a) Not later than October 1, 2021, the governor shall
14 establish a commission to study and report on:

15 (1) critical skills necessary for the reserve militia;

16 (2) the feasibility of and best practices for:

17 (A) training the reserve militia in first aid;

18 and

19 (B) organizing the reserve militia into units;

20 and

21 (3) the integration of technology into the operations
22 of the reserve militia.

23 (b) The report must include recommendations related to the
24 areas of study described by Subsection (a). The commission shall
25 submit its report to the governor not later than July 31, 2022.

26 (c) The recommendations made in the report are not binding
27 on any person.

1 (d) The governor may establish different commissions to
2 study the issues required by this section.

3 (e) This section expires December 1, 2022.

4 SECTION 7. Not later than July 31, 2022, the adjutant
5 general shall designate weapon calibers for the reserve militia as
6 required by Section 431.0735, Government Code, as added by this
7 Act.

8 SECTION 8. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2021.