TITLE 32

MILITARY AFFAIRS; CIVIL DEFENSE AND DISASTER RELIEF

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Chapter 396

Militia Generally

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CROSS REFERENCES

Constitutional provisions concerning militia, Const. Art. X
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Right to keep and bear arms, U. S. Const., Am. II; Const. Art. I, § 27

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Age qualifications of militia members, Const. Art. X, § 1; 397.010, 397.165, 397.220, 399.010
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Militia officers without annual salary not lucrative office, Const. Art. II, § 10

396.060

Governor as commander of state military forces, Const. Art. V, § 9
Military department reports to Governor, Const. Art. V, § 13

396.110

Assignment of called-in unorganized militia, 397.015

396.010 Definitions; construction. (1) As used in this chapter and ORS chapter 397:

(a) "National Defense Act" means the Act of Congress, approved June 3, 1916, relating to the military establishment and defense of the United States, and any Act of Congress amendatory, supplementary or in substitution of said Act, and any rules or regulations now or hereafter promulgated by the President, Secretary of Defense or Secretaries of the Army or the Navy in reference thereto.

(b) "National guard" means the Oregon National Guard.

(2) This chapter and ORS chapter 397 shall not be construed to limit the rights of this state to the use of the national guard within its borders in time of peace as prescribed in this chapter and ORS chapter 397 nor to prevent organization and maintenance of state police or constabulary.

396.020 Persons included in militia; age limits; classes. The militia of this state shall consist of all able-bodied male citizens of the United States, resident within Oregon, and all other able-bodied males who have declared their intention of becoming citizens of the United States, who are more than 18 years of age and, except as provided in ORS chapter 397, not more than 45 years of age. The militia shall be divided into four classes: The national guard, the national guard reserve, the naval militia and the unorganized militia.

396.030 Exemptions from duty. The following are exempt by law from militia duty: Persons in the military or naval service of the United States; custom house clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals and navy yards of the United States; pilots, mariners employed in the sea service of any citizen or merchant within the United States. All persons who because of religious beliefs claim exemption from military service shall, under such regulations as the President may prescribe, be exempted from militia service in a combatant capacity.

396.040 Organization, training and equipment of militia; statute governing. The organization, discipline, training, equipment and government of the militia of this state shall conform to the National Defense Act which, so far as it is applicable, hereby is adopted, and the militia of this state shall be controlled and governed thereby. All requirements of said Act, and rules, regulations and orders now or hereafter prescribed thereunder by the President of the United States, the Secretary of Defense or the Secretary of the Army shall be complied with and enforced. The provisions of this section apply only to militia of this state organized as land forces.

396.050 Eligibility to state office of federally-paid members of militia. Any officer or enlisted man of the militia of this state who receives compensation from the United States under the National Defense Act shall not be deemed ineligible by reason thereof to hold lucrative office or seat in the Legislative Assembly within the meaning of section 10, Article II, Oregon Constitution.

396.060 Commander in chief of militia; appointment of officers. The Governor shall be the commander in chief of the militia in time of peace and when not called into the service of the United States. When unable to perform his duties as such, except in case when the President of the Senate or Speaker of the House of Representatives would perform them, the senior officer of the line shall command the militia of the state. He shall appoint all officers of the unorganized militia when called into actual service, until fully organized, except that not less than 25 percent of the general and field officers shall be appointed from the national guard.

396.070 Maintenance of troops in peacetime. No troops shall be maintained in time of peace other than as authorized and prescribed under the National Defense Act.

396.080 Enrollment of persons liable to military duty; compensation of enrolling officers. (1) Whenever the Governor deems it necessary, he may order an enrollment of all persons, other than the members of the national guard, liable to military duty, to be made by persons by him designated. The enrollment shall state the name, residence, age and occupation of the persons enrolled. Four copies of such enrollment shall be made; one shall be retained by the enrolling officer, one shall be filed in the office of the clerk of the town or city in which the enrolled person resides, one in the office of the clerk of the county in which the enrollment is made, and one in the Adjutant General's office.

(2) The compensation of enrolling offi-

cers appointed by the Governor shall be the same as that allowed the officers and enumerators of the last preceding state census.

396.090 Enrollment; exemption. (1) Officers making an enrollment of persons liable to military duty shall at the time of making the same serve a notice of such enrollment upon each person enrolled, either in person or by mail, to his usual address. An officer commanding any organization of the national guard must furnish the enrolling officer of the county, town or city in which the organization is located the names and residences of all the members of his command.

(2) All persons claiming an exemption must file a written claim of such exemption, verified by affidavit, in the office of the county clerk within 15 days after receiving such notice, which claim and verification shall be submitted to the county court or board of county commissioners of the claimant's county residence for their decision. All persons exempted by this board according to law shall have the word "exempt" written opposite their names.

396.100 Division of enrollees into classes. All persons enrolled as subject to military duty, and such other male persons as voluntarily enroll themselves, shall be divided into three classes:

(1) The organized militia of the state, to be known as the Oregon National Guard.

(2) All those subject to military duty who are not members of the national guard, to be known as the Oregon unorganized militia.

(3) Oregon Naval Militia.

396.110 Drafting and enlistment of persons enrolled. Whenever it is necessary to call out any portion of the unorganized militia, the commander in chief shall direct his order to the mayor of any city, or the county judge of any county, who upon receipt of the same shall forthwith proceed to draft as many of the enrolled militia in his city or county, or accept as many volunteers, as are required by the commander in chief and shall forthwith forward to the commander in chief a list of the persons drafted or accepted as volunteers.