

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 44-75.1 of the Code of Virginia, relating to militia state active duty; cyber-*
 3 *related support.*

4 [H 1334]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 44-75.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 44-75.1. Militia state active duty.**9 A. The Governor or his designee may call forth the militia or any part thereof to state active duty for
10 service in any of the following circumstances:

11 1. In the event of invasion or insurrection or imminent threat of either;

12 2. When any combination of persons becomes so powerful as to obstruct the execution of laws in any part
13 of this Commonwealth;14 3. When the Governor determines that a state agency or agencies having law-enforcement responsibilities
15 are in need of assistance to perform particular law-enforcement functions, which functions he shall specify in
16 his call to the militia;17 4. In the event of flood, hurricane, fire, or other forms of natural or man-made disaster wherein human
18 life, public or private property, or the environment is imperiled;19 5. In emergencies of lesser magnitude than those described in subdivision 4, including but not limited to
20 the disruption of vital public services, wherein the use of militia personnel or equipment would be of
21 assistance to one or more departments, agencies, institutions, or political subdivisions of the Commonwealth;22 6. When the Governor determines that the National Guard and its assets would be of valuable assistance to
23 state, local, or federal agencies having a drug law-enforcement function to combat the flow of or use of illegal
24 drugs in the Commonwealth, he may provide for the National Guard or any part thereof to support drug
25 interdiction, counterdrug, and demand reduction activities within the Commonwealth, or outside the
26 Commonwealth under the National Guard Mutual Assistance Counterdrug Activities Compact. In calling
27 forth the National Guard under this section, the Governor shall specify the type of support that the National
28 Guard shall undertake with state, local, or federal law-enforcement agencies. Once called forth by the
29 Governor, the National Guard is also specifically authorized to enter into mutual assistance and support
30 agreements with any law-enforcement agencies, state or federal, operating within or outside this
31 Commonwealth so long as those activities are consistent with the Governor's call. All activities undertaken by
32 the National Guard in the areas of drug interdiction, counterdrug and drug demand reduction shall be reported
33 by the Adjutant General's office to the Governor and reviewed by the Governor no less frequently than every
34 three months; ~~and~~35 7. *When the Governor determines that cyber-related support, to include preparedness, response, and*
36 *mitigation, is needed to assist state or local agencies, or private entities who provide critical infrastructure*
37 *as defined in § 44-146.28:2; and*38 8. When the Governor or his designee, in consultation with the Adjutant General, determines that the
39 militia or any part thereof is in need of specific training to be prepared for being called forth for any of the
40 circumstances expressed in subdivisions 1 through 6 7 above. Such training may be conducted with a state or
41 federal agency or agencies having the capability or responsibility to coordinate or assist with any of the
42 circumstances set forth in subdivisions 1 through 6 7 above.43 B. The Virginia National Guard shall be designated as a state law-enforcement agency for the sole
44 purpose of receiving property and revenues pursuant to 18 U.S.C. § 981 (e) (2), 19 U.S.C. § 1616a, and 21
45 U.S.C. § 881 (e) (1) (A).

ENROLLED

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