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HOUSE BILL NO. 286**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Joint Conference Committee
on March 14, 2026)

(Patron Prior to Substitute—Delegate Helmer)

A BILL to amend and reenact §§ 44-75.1 and 44-114.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 44-15.1, relating to Virginia National Guard; reports to the General Assembly; state militias; work group; report.

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-75.1 and 44-114.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 44-15.1 as follows:

§ 44-15.1. Reports to the General Assembly.

The Adjutant General shall submit an annual report to the Chairs of the House Committee on Public Safety and the Senate Committee on General Laws and Technology detailing:

1. All federal and state deployments of the National Guard since the last day of the period covered by the previous annual report, including the date the deployment began, the end date or anticipated end date of such deployment, circumstances, scope, legal authority, goals, cost to the Commonwealth, and cost to the federal government;

2. Retention and readiness within the National Guard and the impact on readiness of federal deployments;

3. Any shortfall or misuse of federal funding; and

4. Use of National Guard resources by federal authorities.

The Adjutant General shall submit the initial annual report as required by this section no later than September 30, 2026. The second and subsequent annual reports shall be submitted in accordance with the provisions of this section no later than the first day of each regular session of the General Assembly.

§ 44-75.1. Militia state active duty.

A. The Governor or his designee may call forth the militia or any part thereof to state active duty for service in any of the following circumstances:

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

2. When any combination of persons becomes so powerful as to obstruct the execution of laws in any part of ~~this~~ the Commonwealth;

3. When the Governor determines that a state agency or agencies having law-enforcement responsibilities are in need of assistance to perform particular law-enforcement functions, which functions he shall specify in his call to the militia;

4. In the event of flood, hurricane, fire, or other forms of natural or man-made disaster wherein human life, public or private property, or the environment is imperiled;

5. In emergencies of lesser magnitude than those described in subdivision 4, including ~~but not limited to~~ the disruption of vital public services, wherein the use of militia personnel or equipment would be of assistance to one or more departments, agencies, institutions, or political subdivisions of the Commonwealth;

6. When the Governor determines that the National Guard and its assets would be of valuable assistance to state, local, or federal agencies having a drug law-enforcement function to combat the flow of or use of illegal drugs in the Commonwealth, he may provide for the National Guard or any part thereof to support drug interdiction, counterdrug, and demand reduction activities within the Commonwealth, or outside the Commonwealth under the National Guard Mutual Assistance Counterdrug Activities Compact. In calling forth the National Guard under this section, the Governor shall specify the type of support that the National Guard shall undertake with state, local, or federal law-enforcement agencies. Once called forth by the Governor, the National Guard is also specifically authorized to enter into mutual assistance and support agreements with any law-enforcement agencies, state or federal, operating within or outside ~~this~~ the Commonwealth so long as those activities are consistent with the Governor's call. All activities undertaken by the National Guard in the areas of drug interdiction, counterdrug and drug demand reduction shall be reported by the Adjutant General's office to the Governor and reviewed by the Governor no less frequently than every three months; and

7. When the Governor or his designee, in consultation with the Adjutant General, determines that the militia or any part thereof is in need of specific training to be prepared for being called forth for any of the circumstances expressed in subdivisions 1 through 6 ~~above~~. Such training may be conducted with a state or federal agency or agencies having the capability or responsibility to coordinate or assist with any of the circumstances set forth in subdivisions 1 through 6 ~~above~~.

B. The Virginia National Guard shall be designated as a state law-enforcement agency for the sole purpose of receiving property and revenues pursuant to 18 U.S.C. § ~~984 (e)~~ ~~(2)~~ 981(e)(2), 19 U.S.C. § 1616a,

and 21 U.S.C. § 881 ~~(e) (1) (A)~~(e)(1)(A).

C. The Governor shall not call forth the National Guard for the purpose of intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any person (i) in giving his vote or ballot or (ii) to deter or prevent such person from voting in violation of § 24.2-1005.

§ 44-114.1. Orders transmitted to and through the Governor; other state militia.

A. All orders from the federal government or any of its officers, agencies, or departments to the state militia of Virginia, including the National Guard and the unorganized militia, that relate to the call, induction, or drafting of Virginia state troops of any type or description into the federal service for active duty or otherwise and withdrawing them from the control of the Governor of Virginia shall be first transmitted to and through the Governor of Virginia. The Governor, as commander in chief of the state militia, shall not approve, consent to, or concur in any such order that has not been transmitted as herein required.

B. *No armed militia from another state, territory, or district shall enter the Commonwealth for the purpose of active military duty over the objection of the Governor of Virginia unless (i) such militia has been called into the federal service for active duty and is acting under the authority of the President of the United States pursuant to Title 10 or Title 32 of the United States Code or (ii) such entry is for purposes of coordinating or assisting with training as authorized by subdivision A 7 of § 44-75.1.*

C. *The Speaker of the House, the Chair of the Senate Committee on Rules, the Chair of the House Committee on Public Safety, or the Chair of the Senate Committee on General Laws and Technology may request that the Attorney General assess the legality of the deployment of the (i) National Guard of another state within the Commonwealth or (ii) Virginia National Guard. The Attorney General shall provide such assessment as soon as practicable.*

2. That the Secretary of Veterans and Defense Affairs (the Secretary) shall convene a work group to assess the most appropriate manner and process by which the Governor and members of the General Assembly should respond to deployments of the Virginia National Guard within or outside of the Commonwealth, including when the Governor has not approved of, consented to, or concurred in any such deployment. Such work group shall include two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, one member of the Senate to be appointed by the Chair of the Senate Committee on Rules, and three nonlegislative citizen members to be appointed by the Secretary. In completing its work, the work group shall evaluate additional requirements related to National Guard mobilization, including (i) whether and to what extent special legislative sessions should be called and what informational notices and reporting to General Assembly leadership should be required upon mobilization of the Virginia National Guard, (ii) the process by which General Assembly leadership may obtain any federal security clearances necessary to review informational notices or reporting, (iii) whether and how other states respond to a mobilization of the National Guard under federal authority, (iv) any annual reporting requirements to the Governor and the General Assembly on federal and state National Guard deployments, and (v) other issues as determined by the work group. The work group shall report its findings and recommendations to the Governor and the Chairs of the Senate Committee on General Laws and Technology, House Committee on Public Safety, Senate Committee on Finance and Appropriations, and House Committee on Appropriations no later than November 1, 2026.

3. That this act shall be referred to as the Virginia National Guard Integrity and Democracy Protection Act.