

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 286]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

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

10 **§ 44-15.1. Reports to the General Assembly.**

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

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

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

19 *3. Any shortfall or misuse of federal funding; and*

20 *4. Use of National Guard resources by federal authorities.*

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

24 **§ 44-75.1. Militia state active duty.**

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

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

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

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

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

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

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

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

56 **B.** The Virginia National Guard shall be designated as a state law-enforcement agency for the sole

57 purpose of receiving property and revenues pursuant to 18 U.S.C. § ~~981 (e) (2)~~ 981(e)(2), 19 U.S.C. § 1616a,
58 and 21 U.S.C. § 881 ~~(e) (1) (A)~~(e)(1)(A).

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

62 **§ 44-114.1. Orders transmitted to and through the Governor; other state militia.**

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

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

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

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

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