

48-242. Call by sheriff or mayor for aid. In case of any breach of the peace, tumult, riot, resistance to process in this state, public disaster or imminent danger thereof, it shall be lawful for the sheriff of any county or the mayor of any city to call upon the commander in chief, or in his or her absence upon the adjutant general, for aid, said request to be in writing or by telegraph; and it shall be the duty of the commander in chief or the adjutant general, if in that officer's judgment the circumstances demand military aid, to order into the active service of the state the available militia in such numbers and organizations as the conditions require. The commanding officer of such militia will report to the sheriff or mayor asking aid, and will cooperate with him or her and the civil authorities, and will render all assistance in his or her power to preserve the peace and execute the laws of the state.

The commanding officer of such militia called into active service shall handle and maneuver the command in accordance with his or her own judgment; and if the commanding officer has reason to believe that the civil authorities are not acting judiciously, or are not sincerely endeavoring to preserve the peace or execute the laws, the commanding officer shall at once report the fact to the commander in chief, by telegraph if possible, and hold himself or herself in readiness to carry out such instructions as he or she may receive in response.

History: L. 1901, ch. 255, § 42; R.S. 1923, 48-242; L. 1957, ch. 306, § 6; June 29.