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MEMORANDUM

To: Chairman Olson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: January 31, 2022

Subject: SB 370 – The Defend the Guard Act.

Senate Bill No. 370 (SB 370) would enact the Defend the Guard Act (Act). The Act would prohibit the release of the Kansas National Guard or any member of the Guard for active duty combat unless the United States Congress declares war or takes official action under its enumerated constitutional powers to call on the Guard to execute the laws of the United States, repel an invasion, or suppress an insurrection.

The Act also provides that no member of the Guard will be compelled to receive or be disciplined for refusing to receive any COVID-19 vaccination or other medical treatment for the COVID-19 virus.

The Act does not limit or prohibit members of the Guard from being released for defense support for civil authority missions within the United States, such as federal responses to natural disasters.

If enacted, SB 370 would become effective on July 1, 2022.