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**CHAPTER 64
GUAM MILITIA**

NOTE: Public Law 16-18, enacted June 5, 1981, amended prior law allowing the newly-authorized National Guard to be implemented. The old Guam Militia, therefore, ceased to exist and Chapter IV of Title IX, Government Code, is null and void.

Public Law 16-103, enacted July 29, 1982, reestablished the Guam Militia as a separate entity, addition to and distinct from the National Guard. The reestablished Guam Militia serves a different function than that of the old Guam Militia.

- § 64100. Authority and Name.
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- § 64102. Command of the Guam Militia.
- § 64103. Authority of Governor to Prescribe Regulations.
- § 64104. Pay and Allowances.
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§ 64100. Authority and Name.

Whenever any part of the National Guard of this Territory is in active federal service, the Governor is authorized to activate and maintain within the Territory during such period, such territorial defense forces as the Governor may deem necessary to assist the civil authorities in maintaining law and order and responding to natural disasters. Such forces shall be additional to and distinct from the National Guard and shall be known as the *Guam Militia*. Such forces shall be uniformed, and notwithstanding any other provisions of this Chapter, shall be organized so as to qualify as a *defense force* within the meaning of 32 U.S.C. 109.

SOURCE: GC § 40600.

§ 64101. Membership and Muster; Rosters; Ceremonies.

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(a) The Guam Militia shall be composed of officers and noncommissioned officers and such able-bodied residents of the Territory as shall volunteer for service therein.

(b) The Governor is authorized to maintain a Guam Militia reserve cadre of officer and noncommissioned officers; said officers and noncommissioned officers to be a trained nucleus for such time as the Guam Militia may be activated. Said officers and noncommissioned officers shall be volunteers and shall serve with no pay or allowances except when called to territorial duty.

(c) The Adjutant General is authorized to maintain rosters of members qualified in accordance with this Chapter, and to order a periodic muster of the Guam Militia or any part thereof, without pay except when ordered to territorial duty. Said muster shall be for the purposes of updating rosters and personnel information, distributing items of uniform, presentation of awards and informing members concerning their function within the Guam Militia.

(d) The Adjutant General is also authorized to invite the voluntary participation of any or all members of the Guam Militia in affairs of state and appropriate holidays. At such times, such members of the Guam Militia shall come under the command of the Adjutant General, who shall assure their proper decorum and wearing of uniforms, and provide such transportation or other services as are necessary and available to the Department of Military Affairs.

SOURCE: GC § 40601.

§ 64102. Command of the Guam Militia.

The Governor is ex-officio Commander-in-Chief and shall have command of the Guam Militia when ordered to territorial duty. The Adjutant General shall be the senior commander, under the Commander-in-Chief of the Guam Militia, and shall be responsible for its administration and training prior to and after said Militia is ordered to territorial duty.

SOURCE: GC § 40602.

§ 64103. Authority of Governor to Prescribe Regulations.

The Governor or his designee is authorized to prescribe rules and regulations not inconsistent with the provisions of Chapter 63 of this Title governing the enlistment, organization, administration, equipping, maintenance, training and discipline of such forces; provided, however, that such rules and regulations, insofar as deemed practicable and desirable,

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shall conform to existing law governing and pertaining to the National Guard and the rules and regulations promulgated thereunder, and such regulations of the U.S. Department of Defense as may be applicable.

SOURCE: GC § 40603.

§ 64104. Pay and Allowances.

The Governor or his designee is authorized to establish a schedule of pay and allowances for members of the Guam Militia for territorial duty as he may deem necessary and appropriate.

SOURCE: GC § 40604.

§ 64105. Requisitions; Armories; Other Buildings.

For the use of the Guam Militia, the Governor or his designee is authorized to requisition from the Secretary of Defense such arms and equipment as may be in possession of, and can be spared by the Department of Defense; and to make available to the Guam Militia the facilities of territorial armories and their equipment and such other territorial premises and property as may be available.

SOURCE: GC § 40605.

§ 64106. Federal Service.

Nothing in this Chapter shall be construed as authorizing the Guam Militia, or any part thereof, to be called, ordered or in any manner drafted, as such, into the military service under any law of the United States. No person shall be a member of the Guam Militia while a federally recognized member of the National Guard, or any active or reserve military organization.

SOURCE: GC § 40606.

§ 64107. Civil Groups.

No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league or other combination of persons, or civil groups, shall be enlisted in the Guam Militia as an organization or unit.

SOURCE: GC § 40607.

§ 64108. Disqualifications.

No person shall be commissioned in the Guam Militia who is not a citizen of the United States, or who has been expelled or dishonorably

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discharged from any military or naval organization of this Territory, or of another state, or of the United States or anyone who has committed a crime.

SOURCE: GC § 40608.

§ 64109. Commissioned Officers.

The initial term of commission in the Guam Militia shall be for three (3) years. The term of service in the Guam Militia as a commissioned officer shall be indefinite subject to termination at the pleasure of the Governor or at the request of the commissioned officer. The oath to be taken by officers commissioned in the Guam Militia shall be substantially in the form prescribed for officers of the National Guard, substituting the words "Guam Militia" where necessary, and omitting the reference to the President of the United States.

SOURCE: GC § 40609.

§ 64110. Enlisted Personnel.

The term of enlistment in the Guam Militia shall be for three (3) years. Subsequent to the initial enlistment, the term of enlistment shall be for one (1) year, three (3) years or six (6) years or at the request of the enlisted personnel. The oath to be taken upon enlistment in the Guam Militia shall be substantially in the form prescribed for enlisted personnel in the National Guard, substituting the words "Guam Militia" where necessary, and omitting the reference to the President of the United States.

SOURCE: GC § 40610.

§ 64111. Code of Military Justice; Freedom from Arrest; Jury Duty.

(a) Whenever the Guam Militia or any part thereof, shall be ordered out for territorial duty, the Code of Military Justice, applicable to members of the National Guard of this Territory in relation to courts-martial, including the jurisdiction thereof, the limits of punishment, and the rules and regulations prescribed thereunder, shall be in full force and effect with respect to the Guam Militia.

(b) No officer or enlisted person of the Guam Militia shall be arrested on any warrant, except for treason or felony, while going to, remaining at or returning from, a place where he is ordered for military duty. Every officer and enlisted person of such Guam Militia shall, during his service therein, be exempt from service upon any posse comitatus, and from jury duty.

SOURCE: GC § 40611.

§ 64112. Discharge of Guam Militia.

The Guam Militia shall be discharged by the Governor upon the return of the Guam National Guard to territorial control, or within thirty (30) days thereafter.

SOURCE: GC § 40612.

§ 64113. Expenses.

The expenses incurred in carrying out the provisions of this Chapter shall be paid from the fund for current expenses of the Department of Military Affairs, by whatever name or title such fund shall be known and designated, upon requisition of the Adjutant General.

SOURCE: GC § 40613.

§ 64114. Uniforms and Awards to Officers and Enlisted Personnel.

The Adjutant General of the Territory is authorized and directed to cause to be prepared suitable uniforms, medals, service bars, ribbons, awards or other indicia of service in the Guam Militia; to prescribe regulations for the wearing of such uniforms and the awarding of such medals, service bars, ribbons, awards or other indicia of service in the Guam Militia, to the officers and enlisted personnel of said Guam Militia and from time to time, to make such awards to the officers and enlisted personnel of said Guam Militia entitled to receive the same.

SOURCE: GC § 40614.

§ 64115. Short Title.

This Chapter may be cited as the *Guam Militia Law*.

SOURCE: GC § 40615.
