

HOUSE BILL No. 1269

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-16-7-23.

Synopsis: Benefits while on state active duty. Provides that a member of the Indiana National Guard who serves on state active duty for a period of up to 30 days may not be discharged from employment, except for cause, by the employer for at least 90 days after the completion of the state active duty.

Effective: July 1, 2009.

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January 13, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1269



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-16-7-23 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. (a) As used in this
 3 section, "active duty" means:
 4 (1) training or duty under federal law; or
 5 (2) state active duty under section 7 of this chapter;
 6 performed under an order of the governor.
 7 (b) The rights, benefits, and protections of the federal Soldiers' and
 8 Sailors' Civil Relief Act, 50 U.S.C. App. 501 et seq., as amended and
 9 in effect on January 1, 2003, apply to a member of the Indiana National
 10 Guard ordered to active duty for at least thirty (30) consecutive days.
 11 (c) The rights, benefits, and protections of the federal Uniformed
 12 Services Employment and Reemployment Rights Act, 38 U.S.C. 4301
 13 et seq., as amended and in effect on January 1, 2003, apply to a
 14 member of the Indiana National Guard ordered to active duty.
 15 **(d) This subsection does not apply to a member of the Indiana**
 16 **National Guard serving on active duty for training purposes. In**
 17 **addition to the rights, benefits, and protections provided in 38**



1 **U.S.C. 4316(c), a member of the Indiana National Guard who**
2 **serves on state active duty under section 7 of this chapter for at**
3 **least one (1) day but less than thirty-one (31) days may not be**
4 **discharged by the Indiana National Guard member's employer,**
5 **except for cause, for at least ninety (90) days after the completion**
6 **of the Indiana National Guard member's state active duty.**

7 ~~(d)~~ (e) Nothing in this section shall be construed as a restriction or
8 limitation on any of the rights, benefits, and protections granted to a
9 member of the Indiana National Guard under federal law.

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