

## **IC 10-16-8**

### **Chapter 8. Guard Reserve**

#### **IC 10-16-8-1**

##### **Organization**

Sec. 1. (a) To supplement the Indiana national guard, the governor may organize and maintain within Indiana military forces the governor considers necessary to defend Indiana if any part of the Indiana national guard is in active federal service.

(b) The Indiana guard reserve shall be composed of officers, commissioned or assigned, and able bodied citizens who volunteer for service, supplemented, if necessary, by members of the militia enrolled by draft or otherwise as provided by law.

(c) These forces:

- (1) are additional to and distinct from the Indiana national guard; and
- (2) shall be known as the Indiana guard reserve.

The members of the Indiana guard reserve may be uniformed.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-2**

##### **Rules and regulations**

Sec. 2. (a) The governor may adopt rules and regulations not inconsistent with this chapter governing the enlistment, organization, administration, equipment, maintenance, training, and discipline of members of the Indiana guard reserve. However, the rules and regulations must conform to applicable law governing and pertaining to the Indiana national guard and the rules and regulations adopted under those laws and under regulations as the Secretary of Defense of the United States may prescribe for the organization, standard of training, instruction, and discipline.

(b) The adjutant general is designated as the commanding officer of the Indiana guard reserve. The administration of the Indiana guard reserve shall be in the state military department.

(c) The governor may disband the Indiana guard reserve at any time the governor considers necessary and safe.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-3**

##### **Payment of expenses**

Sec. 3. The adjutant general shall determine and pay for administration, operation, training, and all expenses incidental to administration, operation, and training that are incurred in carrying out this chapter.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-4**

##### **Requisitions; use of public buildings and property**

Sec. 4. (a) For the use of members of the Indiana guard reserve, the governor may requisition from the secretary of defense arms,

ammunition, clothing, and equipment that the secretary of defense may issue.

(b) The governor shall make available the facilities of state armories and their equipment and other state premises and property as may be available.

(c) School authorities may allow the use of school buildings and school grounds by the Indiana guard reserve, on the terms and conditions set out by the adjutant general.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-5**

##### **Service outside state; insurrectionists; saboteurs; enemies; pursuit beyond state; extradition**

Sec. 5. The Indiana guard reserve may not be required to serve outside Indiana except as follows:

(1) Upon the request of the governor of another state, the governor of Indiana may order any part of or all the Indiana guard reserve to assist the military or police forces of another state who are engaged in defending the other state. The governor may recall these forces.

(2) An organization, a unit, or a detachment of the Indiana guard reserve, upon order of the officer in immediate command of the guard reserve, may continue in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces beyond the borders of Indiana into another state until the insurrectionists, saboteurs, enemies, or enemy forces are apprehended or captured by the organization, unit, or detachment or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons. The pursuit is not authorized unless the other state gives authority by law for the pursuit by forces of Indiana. Any persons who are apprehended or captured in another state by an organization, unit, or detachment of the forces of Indiana shall without unnecessary delay be surrendered to the military or police forces of the state in which they are taken or to the United States. The surrender of insurrectionists or saboteurs to the military or police forces of the other state does not constitute a waiver by Indiana of its right to extradite or prosecute the insurrectionists or saboteurs for any crime committed in Indiana.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-6**

##### **Military forces of foreign states; pursuit into state**

Sec. 6. (a) Military forces, organizations, units, or detachments of another state that are in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces may continue the pursuit into Indiana until the military or police forces of Indiana or the forces of the United States have had a reasonable opportunity to take up the pursuit or to

apprehend or capture the insurrectionists, saboteurs, enemies, or enemy forces.

(b) Military forces, organizations, units, or detachments of another state may arrest or capture insurrectionists, saboteurs, enemies, or enemy forces within Indiana while in fresh pursuit. A person who is captured or arrested by the military forces of the other state while in Indiana shall without unnecessary delay be surrendered to the military or police forces of Indiana to be dealt with according to law.

(c) This section may not be construed to make unlawful any arrest in Indiana that would otherwise be lawful. This section does not repeal any provision of IC 35-33-3.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-7**

##### **Drafts for military service of United States; exemptions**

Sec. 7. This chapter may not be construed to authorize the Indiana guard reserve or any part of the Indiana guard reserve to be called, ordered, or in any manner drafted into the military services of the United States. However, a person may not, by reason of the person's enlistment or commission in the Indiana guard reserve, be exempted from United States military service required under any law of the United States.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-8**

##### **Civil organizations; enlistment as unit**

Sec. 8. A civil organization, a society, a club, a post, an order, a fraternity, an association, a brotherhood, a body, a union, a league, or any other combination of persons or civil groups may not be enlisted in the Indiana guard reserve as an organization or unit.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-9**

##### **Qualifications; citizenship; dishonorable discharge from military organizations**

Sec. 9. A person may not be commissioned or enlisted in the Indiana guard reserve if the person is not a citizen of the United States or if the person has been expelled or dishonorably discharged from any military or naval organization of this state, of another state, or of the United States.

*As added by P.L.2-2003, SEC.7.*

#### **IC 10-16-8-10**

##### **Oath of officers**

Sec. 10. The oath to be taken by officers commissioned in the Indiana guard reserve shall be substantially in the form prescribed for officers of the national guard, substituting the words "Indiana guard reserve" where necessary.

*As added by P.L.2-2003, SEC.7.*

### **IC 10-16-8-11**

#### **Term of enlistment; oath of enlisted persons**

Sec. 11. A person may not be enlisted for more than three (3) years. However, an enlistment may be renewed. The oath to be taken upon enlistment in the Indiana guard reserve shall be substantially in the form prescribed for enlisted persons of the national guard, substituting the words "Indiana guard reserve" where necessary.

*As added by P.L.2-2003, SEC.7.*

### **IC 10-16-8-12**

#### **Uniform code of military justice; arrest of members**

Sec. 12. (a) If the Indiana guard reserve or any part of the Indiana guard reserve is ordered out for active service or armory drill:

(1) the uniform code of military justice governing the Indiana national guard relating to courts-martial, their jurisdiction, and the limits of punishment; and

(2) the rules and regulations prescribed under the uniform code of military justice;

are in full force and effect as provided for in IC 10-16-9-1.

(b) An officer or enlisted person of the Indiana guard reserve may not be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where ordered to attend for military duty. An officer and enlisted person of the Indiana guard reserve is, during the service in the Indiana guard reserve, exempt from service upon any posse comitatus.

*As added by P.L.2-2003, SEC.7.*

### **IC 10-16-8-13**

#### **Group insurance**

Sec. 13. The adjutant general of Indiana, with the approval of the governor, may procure a policy of group insurance for and covering members of the military forces of Indiana covering and insuring against any injury received or had by members from any accident while on drill or active duty.

*As added by P.L.2-2003, SEC.7.*

### **IC 10-16-8-14**

#### **Drill and instruction; pay; payrolls**

Sec. 14. (a) The members of the Indiana guard reserve provided for in this chapter shall receive pay quarterly for time spent in authorized drill and instruction to be paid from any appropriation enacted for that purpose.

(b) The adjutant general shall:

(1) cause quarterly payrolls to be prepared and submitted; and

(2) provide regulations for the processing of payrolls.

(c) This section applies only to drill and instruction pay and does not apply to payroll for active duty.

*As added by P.L.2-2003, SEC.7.*

### **IC 10-16-8-15**

**Racial group; proportional representation; segregation prohibited**

Sec. 15. (a) Adequate provisions shall be made to allow the enlistment and induction of able bodied citizens of each and all racial groups in Indiana into all branches and departments of the Indiana guard reserve organized to defend and enforce the laws of Indiana. To that end, all racial groups in Indiana are entitled to that representation in each branch or department of the Indiana guard reserve in approximate proportion to the group or groups to the population of Indiana. However, this section or any other statute may not be construed so as to allow racial segregation.

(b) Race or color may not be a cause for excluding the application to serve or the service of any person in any branch of service provided for in this chapter.

*As added by P.L.2-2003, SEC.7.*