**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4533**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Beach, Magnuson, Pope and S. Jones

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Introduced in the House on January 9, 2024

Currently residing in the House

Summary: Defend the Guard Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/16/2023 House Prefiled

11/16/2023 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

1/9/2024 House Introduced and read first time ([House Journal‑page 74](h:\hj\20240109.docx))

1/9/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 74](h:\hj\20240109.docx))

1/10/2024 House Member(s) request name added as sponsor: S. Jones

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**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4533_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “DEFEND THE GUARD ACT” BY ADDING SECTION 25‑1‑1930 SO AS TO PROVIDE THAT THE SOUTH CAROLINA NATIONAL GUARD MAY NOT BE RELEASED FROM THE STATE INTO ACTIVE‑DUTY COMBAT UNLESS THE UNITED STATES CONGRESS HAS TAKEN CERTAIN ACTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Defend the Guard Act”.

SECTION 2. Article 15, Chapter 1, Title 25 of the S.C. Code is amended by adding:

Section 25‑1‑1930. (A) For purposes of this section:

(1) “Active‑duty combat” means performing the following services in the active federal military service of the United States:

(a) participation in an armed conflict;

(b) performance of a hazardous service relating to an armed conflict in a foreign state; or

(c) performance of a duty through an instrumentality of war.

(2) “Official declaration of war” means an official declaration of war made by the United States Congress pursuant to Clause 11, Section 8, Article I, of the United States Constitution.

(B) Notwithstanding any other provisions of law, the South Carolina National Guard and any member thereof may not be released from the State into active duty combat unless the United States Congress has passed an official declaration of war or has taken an official action pursuant to Clause 15, Section 8, Article I, of the United States Constitution to explicitly call forth the South Carolina National Guard and any member thereof for the enumerated purposes to expressly execute the laws of the union, repel an invasion, or suppress an insurrection. The Governor shall take all actions necessary to comply with the requirements of this section.

(C) Nothing in the section limits or prohibits the Governor from consenting to the deployment of any South Carolina National Guard member for civil authority missions within the United States and United States territories.

SECTION 3. This act takes effect upon approval by the Governor.

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