

## ARTICLE XIII

### MILITIA

#### **SECTION 1.** Militia.

The militia of this State shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, except such persons as are now or may be exempted by the laws of the United States or this State, or who from religious scruples may be adverse to bearing arms, and shall be organized, officered, armed, equipped and disciplined as the General Assembly may by law direct.

#### Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art XIII, Section 1.

#### **SECTION 2.** When exempt from arrest.

The volunteer and militia forces shall (except for treason, felony and breach of the peace) be exempt from arrest by warrant or other process while in active service or attending muster or the election of officers, or while going to or returning from either of the same.

#### **SECTION 3.** Governor may call out.

The Governor shall have the power to call out the volunteer and militia forces, either or both, to execute the laws, repel invasions, suppress insurrections and preserve the public peace.

#### Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art XIII, Section 2.

#### **SECTION 4.** Adjutant General; appointment.

There must be an Adjutant General. The position of Adjutant General is recognized as holding the rank of Major General, and the Adjutant General's duties and compensation must be prescribed by law. The Governor, by and with the advice and consent of the Senate, shall appoint staff officers as the General Assembly may direct.

Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, with the advice and consent of the Senate, in the manner provided in Section 7, Article VI.

HISTORY: 2015 Act No. 1 (S.8), Section 1.B, eff March 5, 2015.

#### Editor's Note

For similar provisions in Constitution of 1868, see former Art XIII, Section 3.

2015 Act No. 1, Section 1.B, provides in part as follows:

“B. The amendment to Section 4, Article XIII of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 297 of 2014, having been submitted to the qualified electors at the General Election of 2014 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 4, Article XIII of the Constitution of this State be amended to read: [text of amendment follows].”

#### **SECTION 5.** Confederate pensions.

The General Assembly is hereby empowered and required, at its first session after the adoption of this Constitution, to provide such proper and liberal legislation as will guarantee and secure an annual pension to every indigent or disabled Confederate soldier and sailor of this State and of the late Confederate States who are citizens of this State, and also to the indigent widows of Confederate soldiers and sailors.