



1 the forces are twofold; national defense and service of the state.  
2 Their efficiency for both purposes necessarily depends upon  
3 systematic uniformity in organization, composition, arms,  
4 equipment, training and discipline with the Armed Forces of the  
5 United States and the military forces of other states. Therefore,  
6 the Governor shall cause the military forces of the state to  
7 conform to all federal laws and regulations applicable to the same,  
8 unless ~~the same shall be~~ it is incompatible with the state purpose  
9 of ~~such~~ the forces.

10 (b) All matters relating to the organizations, discipline and  
11 government of the military forces of the state, not otherwise  
12 provided ~~for~~ in this chapter or in regulations, shall be decided by  
13 custom, usage and regulations of the Armed Forces of the United  
14 States.

15 (c) Notwithstanding any other provision of law, no agency or  
16 political subdivision of this state, or any employee of either  
17 acting in his or her official capacity, nor any member of the West  
18 Virginia National Guard or military forces of the state, when the  
19 member is serving in the West Virginia National Guard or military  
20 forces of the state on state duty, or in the service of the state,  
21 may aid an agency of the Armed Forces of the United States in the  
22 conduct of the investigation, prosecution or detention of any  
23 citizen of the United States pursuant to 50 U.S.C. § 1541 as  
24 provided by the National Defense Authorization Act for Fiscal Year

1 2012 (P.L. 112-18, § 1021) if the aid would place the state agency,  
2 political subdivision, employee of the state agency or political  
3 subdivision, or the member of the West Virginia National Guard or  
4 militia, in violation of the United States Constitution, the  
5 Constitution of West Virginia, any provision of the Code of West  
6 Virginia, any act of the Legislature or any rule in the West  
7 Virginia Code of State Rules.

NOTE: The purpose of this bill is to restrict certain aid to the Armed Forces of the United States by West Virginia agencies and employees that would place them in violation of the United States Constitution, the Constitution of West Virginia, any provision of the Code of West Virginia, any act of the Legislature or any rule in the West Virginia Code of State Rules.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.