

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
11/22/24

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LLS NO. 25-0304.01 Conrad Imel x2313

HOUSE BILL

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HOUSE SPONSORSHIP

Weinberg,

SENATE SPONSORSHIP

(None),

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**BILL TOPIC:** Defend the Guard Act  
**DEADLINES:** Finalize by: 1/21/2025 File by: 1/24/2025

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**A BILL FOR AN ACT**

101 **CONCERNING REQUIREMENTS TO RELEASE THE COLORADO NATIONAL**  
102 **GUARD TO FEDERAL ACTIVE DUTY COMBAT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill prohibits the Colorado National Guard (guard), and any member of the guard, from being relieved from duty in this state into federal active duty combat unless the United States congress has passed an official declaration of war or taken an official action to explicitly call forth the guard for a purpose expressly enumerated in section 8 (15) of article I of the United States constitution.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** 28-3-205 as  
3 follows:

4           **28-3-205. Call to federal duty - mobilization of National**  
5 **Guard to active duty combat - short title - definitions.** (1) THE SHORT  
6 TITLE OF THIS SECTION IS THE "DEFEND THE GUARD ACT".

7           (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
8 REQUIRES:

9           (a) "ACTIVE DUTY COMBAT" MEANS ANY OF THE FOLLOWING  
10 SERVICES IN THE ACTIVE FEDERAL MILITARY SERVICE OF THE UNITED  
11 STATES:

12           (I) PARTICIPATION IN AN ARMED CONFLICT;

13           (II) PERFORMANCE OF A HAZARDOUS SERVICE IN A FOREIGN STATE;

14           OR

15           (III) PERFORMANCE OF A DUTY THROUGH AN INSTRUMENTALITY  
16 OF WAR.

17           (b) "OFFICIAL DECLARATION OF WAR" MEANS AN OFFICIAL  
18 DECLARATION OF WAR MADE BY THE UNITED STATES CONGRESS  
19 PURSUANT TO SECTION 8 (11) OF ARTICLE I OF THE UNITED STATES  
20 CONSTITUTION.

21           (2) (a) NOTWITHSTANDING SECTION 28-3-204 OR ANY OTHER  
22 STATE LAW TO THE CONTRARY, THE COLORADO NATIONAL GUARD, AND  
23 ANY MEMBER OF THE COLORADO NATIONAL GUARD, SHALL NOT BE  
24 RELIEVED FROM DUTY IN THE NATIONAL GUARD OF THIS STATE INTO  
25 ACTIVE DUTY COMBAT UNLESS THE UNITED STATES CONGRESS HAS:

26           (I) PASSED AN OFFICIAL DECLARATION OF WAR; OR

1 (II) PURSUANT TO SECTION 8 (15) OF ARTICLE I OF THE UNITED  
2 STATES CONSTITUTION, TAKEN AN OFFICIAL ACTION TO EXPLICITLY CALL  
3 FORTH THE COLORADO NATIONAL GUARD FOR ONE THE ENUMERATED  
4 PURPOSES TO EXECUTE THE LAWS OF THE UNION, REPEL AN INVASION, OR  
5 SUPPRESS AN INSURRECTION.

6 (b) THE GOVERNOR MUST TAKE ALL ACTIONS NECESSARY TO  
7 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

8 **SECTION 2.** In Colorado Revised Statutes, **amend** 28-3-204 as  
9 follows:

10 **28-3-204. Call to federal duty - status.** SUBJECT TO THE  
11 LIMITATION IN SECTION 28-3-205, when congress has declared a national  
12 emergency or has authorized the use of the armed forces of the United  
13 States for any purpose requiring the use of troops in excess of those in the  
14 regular armed services and the president has ordered into the active  
15 military service of the United States, to serve therein for the period of the  
16 war or emergency, any units and members of the National Guard of this  
17 state, all forces so ordered into the active military service of the United  
18 States shall from the date thereof stand relieved from duty in the National  
19 Guard of this state so long as they remain in the active military service of  
20 the United States when so provided by the federal law. ~~Upon being~~ WHEN  
21 relieved from such duty in the military service of the United States, all  
22 such individuals and units shall revert to their Colorado National Guard  
23 status.

24 **SECTION 3. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly; except  
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this  
2 act within such period, then the act, item, section, or part will not take  
3 effect unless approved by the people at the general election to be held in  
4 November 2026 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor. <{***Rep. Weinberg***  
6 ***- would you prefer a safety clause?***>