

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 70

An Act to amend and reenact § 44-54.6 of the Code of Virginia, relating to membership in the Virginia State Defense Force.

[H 490]

Approved March 4, 1996

Be it enacted by the General Assembly of Virginia:

1. That § 44-54.6 of the Code of Virginia is amended and reenacted as follows:

§ 44-54.6. Members, appointment and enlistment.

The age limitations of § 44-1 to the contrary notwithstanding, the Virginia State Defense Force shall consist of:

1. Such volunteers who of their own volition agree to service in conformity with regulations prescribed by the Adjutant General who are (i) citizens of the Commonwealth, (ii) at least sixteen, provided that any volunteer under the age of eighteen shall have the written consent of at least one parent or guardian, and (iii) less than sixty-five years of age; ~~and (iii) not eligible for membership in the Virginia National Guard or, who, if eligible for enlistment in the Virginia National Guard, are unable to enlist because the Virginia National Guard has no vacancies. The determination that no vacancy exists which any such person may fill shall be made by the Adjutant General. However, notwithstanding the provisions of subdivision (iii), anyone at least twenty-six years of age may join the Virginia State Defense Force.~~

2. Such persons of the unorganized militia who may be drafted to fill the force structure of the Virginia State Defense Force or who may be ordered out for active duty until released from such service.

The Adjutant General may, on a case-by-case basis, authorize volunteer members of the Virginia State Defense Force to be retained beyond age sixty-five to age seventy-five.

The officers of the Virginia State Defense Force shall be appointed by the Governor in conformity with regulations prescribed by the Adjutant General.

Enlisted members shall be enlisted and retained in conformity with regulations prescribed by the Adjutant General.