

38A: 13-1

LEGISLATIVE FACT SHEET

ON *Revises Title 38 A, Armed Forces*

N.J.R.S. 38A:13-1

( Amendment )

LAWS OF 1963

CHAPTER 109

SENATE

ASSEMBLY 296

INTRODUCED *Jan. 14, 1963*

BY *Hanser, Musto*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING *none discovered*

VETO

*Draft: NJ  
KAB:2  
38A  
1961*

*n. J. Dept. of Defense  
Draft of proposed revision  
of N. J. Revised statutes, Title 38 (Militia)  
to be entitled Title 38A (Armed Forces)*

STATEMENT

The purpose of this revision is to consolidate and modernize the provisions of Title 38 and to bring the law into closer conformity with Federal military law. The revision will re-enact most of the substantive law contained in Title 38 which deals with the armed forces. Subtitle 2 of Title 38 (chapters 15 and 25A inclusive) which deals with veterans has not been revised. A revision of this subtitle is now under consideration. The revision does repeal those sections in subtitle 2 which are no longer in effect.

The revision will make certain administrative changes which have been advocated by the department. Among the changes to be made, the following seem to be the most notable:

- (1) The number of classes of militia will be reduced from 4 to 2 in order to conform with Federal law, 38A:1-2;

*(over)*

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(2) The qualifications of the Chief of Staff, 38A:3-3, and the Deputy Chief of Staff, 38A:3-5, will be changed;

(3) The Governor will be given the authority to prescribe by regulation, pursuant to applicable Federal rules and regulations, the eligibility, qualification and administration of officers and enlisted members, 38A:4-1;

(4) Enlisted members will be able to retire after 10 years instead of 20 years, same as officers, 38A:4-11;

(5) Will add to the reasons for questioning the fitness of officers, the availability for active State or Federal service, 38A:5-6;

(6) Will add to the grounds for vacating commissions, the change of Federal reserve status which make the individual ineligible to continue in the organized militia, 38A:5-8;

(7) Will enable the Chief of Staff to fix, by regulations, subject to Federal law and regulation, the terms of enlistment, 38A:6-1, and will give the Governor the power to extend enlistments until 6 months after the termination of an emergency, 38A:6-4;

(8) Will define the jurisdiction of the State military courts, 38A:10-1 and 38A:10-2;

(9) Will permit the military to turn over to civil authorities military personnel charged with civil offenses, 38A:10-4; and

(10) Will repeal R. S. 38:28-1 and R. S. 38:28-2 which provide for the induction of inmates of penal and correctional institutions into the Armed Forces of the United States.

Chapter 109 - Approved June 13, 1963

**ASSEMBLY, No. 296**

**STATE OF NEW JERSEY**

INTRODUCED JANUARY 14, 1963

By Assemblymen HAUSER and MUSTO

Referred to Committee on Public Safety, Defense and Veterans Affairs

AN ACT establishing Title 38A, Military and Veterans Law of the New Jersey Statutes, revising parts of the statute law relating to the Armed Forces of the State and repealing certain statutes relating thereto.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

**TITLE 38A**

**MILITARY AND VETERANS LAW**

**ANALYSIS**

**SUBTITLE 1. ARMED FORCES**

**CHAPTER**

1. General Provisions
2. Commander-in-Chief
3. Department of Defense
4. Personnel of the Organized Militia—General Provisions
5. Officers
6. Enlisted Men
7. National Guard
8. Naval Militia
9. State Guard
10. Military Justice

11. Military Funds and Property
12. Armories
13. Compensation for Injuries
14. Prohibitions and Penalties
15. Service Medals
16. Military Forces Fresh Pursuit Act
17. Interstate Communication Facilities Emergency Protection
18. Interstate Compacts for Military Aid
19. Repealers, Construction of Act, Effective Date, etc.

#### SUBTITLE 2. MILITARY COMPACTS

#### CHAPTER

20. Military Compacts Saved from Repeal

#### SUBTITLE 1. ARMED FORCES

#### CHAPTER 1. GENERAL PROVISIONS

##### 1 38A:1-1. Definitions

2 The following definitions apply to this Title:

3 (a) "Militia" means all the military forces of this State, whether organ-  
4 ized, or active or inactive.

5 (b) "National Guard" mean the Army National Guard and the Air  
6 National Guard.

7 (c) "Army National Guard" means that part of the organized militia  
8 that is a land force, is trained and has its officers appointed under the six-  
9 teenth clause of section 8, Article I of the Constitution of the United States,  
10 is organized, armed and equipped wholly or partly at Federal expense, and  
11 is Federally recognized.

12 (d) "Army National Guard of the United States" is the reserve com-  
13 ponent of the Army of the United States all of whose members are mem-  
14 bers of the Army National Guard.

15 (e) "Air National Guard" means that part of the organized militia that  
16 is an air force, is trained and has its officers appointed under the sixteenth  
17 clause of section 8, Article I, of the Constitution of the United States, is

18 organized, armed and equipped wholly or partly at Federal expense, and is  
19 Federally recognized.

20 (f) "Air National Guard of the United States" means the reserve com-  
21 ponent of the Air Force of the United States all of whose members are  
22 members of the Air National Guard.

23 (g) "Armed forces" means the land, air and sea forces established by  
24 State or Federal laws, as applicable.

25 (h) "Military" means any part of or all of the armed forces.

26 (i) "Active duty" means full-time duty in the active military service,  
27 other than active duty for training. State service is meant unless Federal  
28 service is specified.

29 (j) "Active duty for training" means full-time duty in the active military  
30 service for training purposes. State service is meant unless Federal service  
31 is specified.

32 (k) "Inactive duty training" means duty performed by a member of the  
33 organized militia other than active duty or active duty for training.

34 (l) "Officer" means commissioned officer or warrant officer.

35 (m) "Grade" means a step or degree, in a graduated field of office or  
36 military rank, that is established and designated as a grade by law or  
37 regulation.

38 (n) "Rank" means the order of precedence among members of the  
39 armed forces.

40 (o) "Permanent duty status" means full-time employment of a member  
41 of the organized militia ordered to active duty by the Governor to serve in  
42 the Department of Defense.

43 (p) "Shall" is used in an imperative sense.

44 (q) "Will" is used in a permissive sense.

45 (r) "Regulations" means the rules and regulations on the governing and  
46 training of the militia.

47 (s) "Federal service" means duty in the active service of the United  
48 States.

49 (t) "Armory" means any building or training installation utilized by the  
50 organized militia.

1 38A:1-2. Composition of militia

2 The militia, except as hereinafter provided, shall consist of all able-  
3 bodied male citizens of this State and all other able-bodied male persons  
4 residing in this State who have made a legal declaration of intent to be-  
5 come citizens of the United States, who are at least 17 years of age and,  
6 except as hereinafter provided, not more than 45 years of age, and such  
7 other persons as may upon their own application be enlisted or commis-  
8 sioned therein in accordance with Federal or State law and regulations.

1 38A:1-3. Classes of militia

2 The classes of the militia are:

3 (a) The organized militia, which consists of the National Guard, the  
4 Naval Militia and the State Guard; and

5 (b) The unorganized militia, which consists of the members of the  
6 militia who are not members of the organized militia.

1 38A:1-4. Exemptions from militia duty

2 The persons exempt from militia duty under Federal laws and regu-  
3 lations issued thereunder shall be exempt from militia duty in this State.

4 In addition, the following persons shall be exempt from militia duty in  
5 this State.

6 (a) The judicial and executive officers of any political subdivision of  
7 this State.

8 (b) Such other persons as may hereafter be specifically exempted by the  
9 laws of this State, or by order of the Governor.

1 38A:1-5. Persons who may administer oaths

2 For the purposes of military justice and administration the following  
3 persons may administer oaths unless otherwise provided:

4 (a) Such persons as are authorized to do so by Federal laws and  
5 regulations.

6 (b) Such persons as are authorized by State laws and regulations to  
7 administer oaths for all purposes.

1 38A:1-6. Federal regulations to govern

2 Federal laws and regulations, forms, precedents and usages relating to  
3 and governing the armed forces of the United States and the militia shall,  
4 insofar as the same are applicable and not inconsistent with the constitution  
5 of this State, apply to and govern the military forces of this State.

#### CHAPTER 2. COMMANDER-IN-CHIEF

1 38A:2-1. Governor to be commander-in-chief

2 The Governor, or other person administering the government, shall be  
3 the commander-in-chief of the militia of this State, except as to any part  
4 thereof called or ordered into Federal service.

1 38A:2-2. Staff of Governor

2 The staff of the Governor shall consist of:

3 (a) Executive: The Chief of Staff of the State Department of Defense.

4 (b) Personal: Such aides as may be appointed or detailed by the Gov-  
5 ernor from among the officers of the organized militia, in a grade not higher  
6 than the one held in the organized militia or in Federal service, whose term  
7 of office, unless sooner terminated, shall expire with that of the Governor who  
8 shall have appointed or detailed them.

1 38A:2-3. Proclamation of martial law

2 Whenever the militia, or any part thereof, is employed in aid of civil  
3 authority, the Governor, if in his judgment the maintenance of law and  
4 order will thereby be promoted, may by proclamation, declare any county  
5 or municipality, or part thereof, in which the troops are serving to be sub-  
6 ject to martial law.

1 38A:2-4. Militia ordered to active duty in certain cases

2 The Governor may, in case of insurrection, invasion, tumult, riot, breach  
3 of the peace, natural disaster, or imminent danger to public safety, order  
4 to active duty all or any part of the militia that he may deem necessary.  
5 He may maintain such forces on such active duty until the exigencies shall  
6 have passed.

1 38A:2-5. Call or order into Federal service

2 Whenever the militia, or any part thereof, is called or ordered into  
 3 Federal service under Federal laws and regulations, the Governor shall  
 4 order for such service the militia, or such part thereof as may be required.  
 5 All persons so called or ordered shall, upon release from Federal service,  
 6 under such Federal and State laws and regulations as may be prescribed,  
 7 resume their membership in the militia. All enlisted members shall con-  
 8 tinue to serve in the organized militia until the dates upon which their  
 9 enlistments entered into prior to the call or order would have expired if  
 10 uninterrupted, except as otherwise may be proclaimed under section 38A:6-4  
 11 of this Title.

1 38A:2-6. Regulation by Governor

2 The Governor may prescribe regulations to carry out his functions and  
 3 duties under this Title. Any such regulations which affect a Federally re-  
 4 cognized component of the organized militia shall, however, conform to the  
 5 Federal laws and regulations concerning the same.

### CHAPTER 3. DEPARTMENT OF DEFENSE

1 38A:3-1. Status of department

2 The Department of Defense shall be a principal department in the execu-  
 3 tive branch of the State Government.

1 38A:3-2. Composition of department

2 The Department of Defense shall consist of:

2a (a) The Chief of Staff;

3 (b) The deputy Chief of Staff;

4 (c) Such officers of the organized militia, active or inactive, authorized  
 5 by the Governor for duty therein;

6 (d) Such clerks and employees as may be required, who may be detailed  
 7 from the organized militia;

8 (e) State headquarters for civil defense and disaster control organiza-  
 9 tion;

10 (f) State headquarters for Selective Service; and

11 (g) The organized militia.

1 38A:3-3. The Chief of Staff

2 The head of the Department of Defense shall be the Chief of Staff who  
3 shall be appointed with the grade of Major General of the line, New Jersey  
4 Army National Guard or Major General, New Jersey Air National Guard, by  
5 the Governor, with the advice and consent of the Senate, from

6 (a) Federally recognized general officers in the National Guard who have  
7 served therein for the preceding 10 years; or

8 (b) Federally recognized commissioned officers in the National Guard  
9 who have served therein for the preceding 10 years and are now serving in  
10 a military grade not below that of a colonel, such officers having the quali-  
11 fications to become Federally-recognized as Brigadier General of the line,  
12 New Jersey Army National Guard, or Brigadier General, New Jersey Air  
13 National Guard.

1 38A:3-4. The Chief of Staff to be the Adjutant General

2 The Chief of Staff shall be the Adjutant General of the State as that  
3 title is used in Federal laws and regulations and elsewhere in the laws of this  
4 State and all such powers, functions and duties which are or may be imposed  
5 upon the Adjutant General of a State by Federal laws and regulations shall  
6 be exercised and performed by the Chief of Staff.

1 38A:3-5. The deputy Chief of Staff

2 The deputy Chief of Staff shall be appointed by the Governor upon the  
3 nomination of the Chief of Staff. The deputy Chief of Staff shall be a person  
4 who has served as a commissioned officer in the armed forces of the State  
5 and who is a Federally-recognized commissioned officer in a military rank not  
6 below that of colonel. He may be appointed with the grade of Brigadier  
7 General. The duties of the deputy Chief of Staff shall be prescribed by the  
8 Chief of Staff.

9 The deputy Chief of Staff shall have the authority to act for and in  
10 place of the Chief of Staff during the absence or disability of the Chief of

11 Staff. If the office of the Chief of Staff shall become vacant, the deputy  
12 Chief of Staff shall exercise the powers and perform the duties of the Chief  
13 of Staff until a successor shall have been appointed and shall have qualified.  
14 Any vacancy occurring in the office of the deputy Chief of Staff shall be  
15 filled in the same manner as the original appointment.

1 38A:3-6. Powers and duties of the Chief of Staff

2 Under the direction of the Governor, the Chief of Staff shall:

3 (a) Exercise control over the affairs of the Department of Defense, and  
4 in connection therewith make and issue such regulations governing the work  
5 of the Department of Defense and the conduct of its employees as may, in his  
6 judgment, be necessary or desirable.

7 (b) Be the request officer of the Department of Defense within the  
8 meaning of such term as defined in chapter 112 of the laws of 1944.

9 (c) Supervise, administer, co-ordinate and command State civil defense  
10 and disaster control activities.

11 (d) Command the organized militia of the State, with responsibility for  
12 the recruiting, mobilization, administration, training, discipline, equipping,  
13 supply and general efficiency thereof. He may issue such regulations and  
14 delegate such command functions as he shall deem necessary. The regula-  
15 tions so issued shall, insofar as possible, conform to the Federal laws and  
16 regulations concerning the same.

17 (e) Maintain the archives and be the custodian of the records and  
18 papers required, by laws or regulations, to be filed with the Department of  
19 Defense.

20 (f) Supervise, administer and co-ordinate those activities of the Selec-  
21 tive Service System for which the Governor is responsible.

22 (g) Acquire by gift, grant, purchase, exchange, eminent domain, or in  
23 any other lawful manner, in the name of and for the use of the State of  
24 New Jersey all those parcels of land as shall be necessary for armories and  
25 other militia facilities, and supervise the design, construction, alteration,  
26 maintenance and repair of said property.

27 (h) Establish and maintain such headquarters as may be required for  
28 the militia.

29 (i) Exercise the powers vested in him and perform such other duties and  
30 functions as required of him by the Governor and by Federal and State laws  
31 and regulations.

1 38A:3-7. Rank and precedence

2 The Chief of Staff shall take rank and precedence above all other officers  
3 of the militia.

1 38A:3-8. Personnel

2 The personnel of the Department of Defense shall consist of the follow-  
3 ing classes of persons:

4 (a) Officers and enlisted members who are ordered to active duty on a  
5 permanent duty status with the pay and allowances of their grade and  
6 length of service in accordance with section 38A:4-3 of this Title.

7 (b) Classified civil service employees.

8 (c) Unclassified civil service employees who may be relieved, suspended or  
9 discharged for good cause. Such personnel shall be administered as far as  
10 practical under similar regulations as those applicable to classified civil serv-  
11 ice, but shall be subject to military discipline and control, and shall include  
12 all personnel employed for the maintenance of armories.

13 (d) Technicians paid from Federal funds. Such personnel shall be ap-  
14 pointed by the Chief of Staff who shall determine their salaries and who may  
15 relieve, suspend or discharge such persons at any time for good cause and  
16 shall be subject to military discipline and control.

1 38A:3-9. United States Property and Fiscal Officer.

2 The Governor shall appoint, designate or detail, subject to Federal laws  
3 and regulations, an officer of the National Guard of this State to be the  
4 United States Property and Fiscal Officer for this State. All such powers,  
5 functions and duties which are or may be imposed upon the United States  
6 Property and Fiscal Officer of the State by Federal laws and regulations  
7 shall be exercised and performed by such officer.

## 1 38A:3-10. Fees for searching military records

2 The Chief of Staff may demand and receive, for the services herein enu-  
 3 merated, except for those in proof of pension, establishment of veteran status,  
 4 exemption from jury duty, or in lieu of lost discharges, the following fees:

5 (a) For every search made in his office for the military record of any  
 6 member or former member of the armed forces, the sum of \$1.00.

7 (b) For the furnishing of every certified copy of such record, the sum of  
 8 \$2.00.

9 The Chief of Staff shall keep a true record and account of fees received  
 10 under the provisions of this section and shall pay the same into the State  
 11 Treasury in the manner prescribed by law.

## 1 38A:3-11. Official seal; acceptable evidence in court

2 The Chief of Staff shall have an appropriate seal and have affixed an  
 3 impression of the same to all certificates of record issued from the Depart-  
 4 ment of Defense. Copies of any books, records, papers and documents in the  
 5 Department of Defense, certified by the Chief of Staff or other designated  
 6 officer of the department, under the seal of the Department of Defense, shall  
 7 be admitted as evidence in any court of the State, either civil or military,  
 8 with the same force and effect as if the original had been produced.

## CHAPTER 4. PERSONNEL OF THE ORGANIZED MILITIA—

## GENERAL PROVISIONS

## 1 38A:4-1. Eligibility, qualifications and administration

2 Officers and enlisted members of the organized militia shall be commis-  
 3 sioned, warranted or enlisted with such qualifications and administered under  
 4 such regulations as the Governor may prescribe except as otherwise pre-  
 5 scribed by applicable Federal laws or regulations or by this Title.

## 1 38A:4-2. Rank

2 Rank of officers and enlisted members of the organized militia shall be  
 3 determined by the same methods as are prescribed by Federal laws and regu-  
 4 lations for the respective Armed Forces of the United States.

1 38A:4-3. Pay and allowances

2 Any officer or enlisted member ordered to active duty by the Governor  
3 shall receive the pay and allowances prescribed by Federal laws and regu-  
4 lations for an officer or enlisted member of corresponding grade and length  
5 of service when on active duty in Federal service; provided, however, that  
6 said pay and allowances shall not be paid when pay and allowances for such  
7 duty shall be provided out of Federal funds. This provision shall not limit or  
8 restrict the applicability of 38A:4-4 to individuals detailed to the Department  
9 of Defense in a permanent duty status.

1 38A:4-4. Leave of absence for employees without loss of pay; additional to  
2 regular vacation.

3 (a) All officials and employees of this State or of any board or com-  
4 mission of the State or of any county, school district or municipality who  
5 are members of the organized militia shall be entitled to leave of absence  
6 from their respective duties without loss of pay or time on all days during  
7 which they shall be engaged in active duty, active duty for training or other  
8 duty ordered by the Governor; provided, however, that the leaves of absence  
9 for active duty or active duty for training shall not exceed 90 days in the  
10 aggregate in any one year.

11 (b) Leave of absence for such military duty shall be in addition to the  
12 regular vacation allowed such officers and employees by the State, county or  
13 municipal law, ordinance, resolution, or regulation.

1 38A:4-5. Salary to equal loss suffered while on active duty in Federal  
2 service

3 During the absence of any such official or employee mentioned in section  
4 38A:4-4 of this Title, on active duty in Federal service in excess of ninety  
5 days, such person shall receive such portion of his salary or compensation  
6 as will equal the loss he may suffer while on such active duty.

1 38A:4-6. Exemption from jury duty

2 Every officer and enlisted member of the organized militia, during his  
3 service therein, shall be exempt from jury duty.

1 38A:4-7. Exemption from process

2 No member of the organized militia shall be arrested on any warrant or  
3 other process, except for treason or a high misdemeanor, while going to, re-  
4 maining at or during the performance of any duty of a military character or  
5 returning from any place at which he may be required by competent author-  
6 ity to attend for military duty.

1 38A:4-8. Compensation exempt from legal process

2 The pay and allowances due or to become due to any member of the or-  
3 ganized militia for military duty therein, and any compensation that may be  
4 awarded for injuries, disabilities or death sustained therein, shall be exempt  
5 from attachment, execution or other legal process.

1 38A:4-9. Relief from civil or criminal liability

2 Members of the organized militia ordered into the active service of the  
3 State by proper authority shall not be liable civilly or criminally for any acts  
4 done by them while engaged in the performance of their duty.

1 38A:4-10. Action against officers and enlisted members; security for costs

2 When an action or proceeding of any nature shall be commenced in any  
3 court against any member of the organized militia for any act done in his  
4 official capacity in the discharge of his duty, or for an alleged omission to do  
5 an act which it was his duty to perform, or against any member of the  
6 organized militia acting under proper authority for any act done in pur-  
7 suance thereof, or by any warrant issued pursuant to law, the defendant in  
8 any such action or proceeding may require the person instituting or prosecut-  
9 ing the same to file security for the payment of costs in such amount and in  
10 such form as the judge of the court, in which such proceeding was insti-  
11 tuted, may determine.

12 The defendant or defendant in any such action or proceeding shall be  
13 represented and defended by the Attorney General of the State at the expense  
14 of the State.

1 38A:4-11. Retirement; detail to active duty

2 (a) Any officer or enlisted member who shall have reached the age of  
3 64 years shall be retired by the Governor. Any officer or enlisted members

4 who shall have served at least 10 years in the military forces of this State,  
5 or who must be separated because Federal recognition shall have been or is  
6 scheduled to be withdrawn or terminated under honorable conditions, upon  
7 application to the Governor, may be retired.

8 (b) The Governor may order retired officers or enlisted members to  
9 active duty, if they consent thereto.

10 In time of war or imminent danger thereof retired officers and enlisted  
11 members may be ordered by the Governor to perform any military duty as-  
12 signed by him.

1 38A:4-12. Credit for war service

2 For all purposes, officers and enlisted members who entered the active  
3 service of the United States in time of war by appointment or enlistment,  
4 or under call, order or draft by the President, or who shall hereafter enter  
5 such service under like conditions, shall be entitled to credit for the time  
6 served in the active service of the United States, as if such service had been  
7 rendered to or for the State.

CHAPTER 5. OFFICERS

1 38A:5-1. Nominating, appointing and commissioning of officers

2 (a) The Governor shall nominate and appoint all general and flag officers  
3 of the militia, with the advice and consent of the Senate.

4 (b) All other officers of the militia shall be appointed and commissioned  
5 by the Governor upon recommendation of the Chief of Staff after due con-  
6 sideration to nominations of the commanders in the normal chain of  
7 command.

8 (c) No person shall assume the status or perform the duties of an  
9 officer until he shall have been duly appointed and announced in orders issued  
10 by the Chief of Staff.

11 (d) Officers shall be citizens of the United States, and unless otherwise  
12 prescribed by Federal law and regulation, shall be at least 21 years of age.

## 1 38A:5-2. Oath of office

2 Except when a comparable oath is subscribed to under Federal laws or  
3 regulations, every officer shall take and subscribe to the following oath of  
4 office:

5 "I ....., do solemnly swear that I will support  
6 and defend the Constitution of the United States and the Constitution  
7 of the State of New Jersey against all enemies, foreign and domestic;  
8 that I will bear true faith and allegiance to the same; and that I will  
9 obey the orders of the President of the United States and of the Gover-  
10 nor of the State of New Jersey; that I make this obligation freely, with-  
11 out any mental reservation or purpose of evasion, and that I will well  
12 and faithfully discharge the duties of the office of .....  
13 in the ..... upon which I am about to enter, so help  
14 me God."

1 38A:5-3. Acceptance of commission or warrant deemed registration of other  
2 commissions or warrants

3 The acceptance of a commission or warrant in the militia shall be deemed  
4 a resignation by the person accepting the same of all other commissions or  
5 warrants held by him in the militia provided, however, that acceptance of a  
6 commission in the State Guard in time of war or emergency shall not be so  
7 deemed a resignation.

8 The acceptance of a commission or warrant, or enlistment, in any of the  
9 Armed Forces of the United States, including the reserve components thereof,  
10 shall also be deemed a resignation by the person accepting the same or so  
11 enlisting of any commissions or warrants held in the militia, provided, how-  
12 ever, that acceptance of temporary appointments while in Federal service or  
13 of a reserve commission in the same component as that in which serving in  
14 the militia shall not be so deemed a resignation.

## 1 38A:5-4. Acceptance of commission not to vacate civil office

2 Any citizen of this State may accept and hold a commission in the militia  
3 or in any reserve component of the Armed Forces of the United States, with-  
4 out thereby vacating any civil office or position held. The acceptance or hold-

5 ing of any such commission shall not constitute holding of an office of trust  
6 or profit under the government of this State or of the United States incom-  
7 patible with the holding of any civil office or position under the government of  
8 this State.

1 38A:5-5. Uniforms and equipment

2 Officers shall provide themselves with the uniforms and equipment pre-  
3 scribed by applicable regulations.

1 38A:5-6. Examination as to fitness

2 The Governor, whenever he deems it to be for the good of the service,  
3 may order any officer to appear before a board of examination. The board  
4 of examination shall consist of 3 officers, senior in rank to the officer whose  
5 fitness for service is under examination, and such board shall be vested with  
6 the powers of courts of inquiry, to examine into the moral character, capacity,  
7 availability for active State or Federal service, and physical and profes-  
8 sional fitness of such an officer. The board may recommend the retention of  
9 the officer being examined, the retirement because of physical inability to  
10 perform active service, or his discharge and the vacating of his commission  
11 or warrant. The findings of the board shall become effective upon approval  
12 by the Governor.

1 38A:5-7. Resignation of officers

2 An officer may resign his commission or warrant, but such resignation  
3 shall not become effective until it shall have been accepted by the Governor.

1 38A:5-8. Vacating commissions or warrants

2 The commission or warrant of an officer shall be vacated:

3 (a) Upon acceptance by the Governor of the resignation of such officer;

4 or

5 (b) By an order of the Governor charging such officer:

6 (1) For his failure to maintain his qualifications for Federal recog-  
7 nition; or

8 (2) For the scheduled or actual termination or withdrawal of his  
9 Federal recognition where Federal recognition is a prerequisite for con-  
10 tinued service; or

11 (3) For a change in Federal reserve status which makes him in-  
12 eligible to continue assigned to a unit of the organized militia; or

13 (4) For his absence from duty without leave for more than 3  
14 months; or

15 (5) Pursuant to the recommendation of a board of examination or  
16 the sentence of a court-martial.

1 38A:5-9. Unassigned list

2 There shall be an unassigned list for officers. An officer may be included  
3 in the unassigned list:

4 (a) Pending acceptance of his resignation, or

5 (b) Pending his retirement as otherwise provided by this Title, or

6 (c) Pending withdrawal or termination of his Federal recognition, or

7 (d) Pending separation following unfavorable review of the recommenda-  
8 tions or findings of a board of examination or a court-martial.

CHAPTER 6. ENLISTED MEMBERS

1 38A:6-1. Terms of enlistment

2 Enlistments, re-enlistments and extension of enlistments shall be for such  
3 periods as are prescribed by the Chief of Staff by regulations except as  
4 otherwise provided by applicable Federal laws or regulations for enlisted  
5 members required to have a Federal reserve status.

1 38A:6-2. Oath of enlistment

2 Except when a comparable oath of enlistment is subscribed to under  
3 Federal law or regulations, every person who enlists or re-enlists shall take  
4 and subscribe to the following oath of enlistment:

5 "I do hereby acknowledge to have voluntarily enlisted this .....  
6 day of ..... in the ..... of the United States and the  
7 State of New Jersey, for a period of ..... years, under the condi-  
8 tions prescribed by law, unless sooner discharged by proper authority.  
9 And I do solemnly swear that I will bear true faith and allegiance to  
10 the United States of America and to the State of New Jersey, and that  
11 I will serve them honestly and faithfully against all their enemies whom-

12 soever, and that I will obey the orders of the President of the United  
 13 States and of the Governor of the State of New Jersey and of the officers  
 14 appointed over me according to law." -

1 38A:6-3. Who may administer oath of enlistment

2 Any commissioned officer of the organized militia or any commissioned  
 3 officer of the Armed Forces of the United States detailed to duty with any  
 4 component of the organized militia of this State, may administer the oath of  
 5 enlistment to enlisted members.

1 38A:6-4. Extension of terms of service

2 If an emergency is declared by the President, Congress, the Governor or  
 3 the Legislature, the Governor may by proclamation, in accordance with Fed-  
 4 eral and State laws and regulations, extend the enlistments of enlisted mem-  
 5 bers of the organized militia until 6 months after the termination of that  
 6 emergency.

1 38A:7-1. Organizations and units

2 The National Guard shall consist of those organizations and units which  
 3 are or hereafter may be authorized by Federal law and the regulations issued  
 4 thereunder for the National Guard. No change in branch, organization or  
 5 allotment of a unit may be made without approval of the Governor.

1 38A:7-2. Use of designations

2 During the absence of any organization or unit of the National Guard  
 3 in Federal service, its organization or unit designation shall not be given  
 4 to or used by any other organization or unit.

1 38A:7-3. Administration, discipline and training

2 The administration, discipline and training of the National Guard shall  
 3 conform to the applicable Federal and State laws and regulations.

1 38A:7-4. Federal recognition of officers and enlisted members

2 Subject to such exceptions as may be set forth in Federal laws and  
 3 regulations, or as otherwise prescribed by this Title, all officers and enlisted  
 4 members of the National Guard shall meet the qualifications for Federal  
 5 recognition as officers or enlisted members of the National Guard and be so  
 6 recognized.

## 1 38A:7-5. Inactive National Guard

2 There may be an inactive National Guard consisting of officers and en-  
3 listed members. The composition, purposes and general regulations govern-  
4 ing the same shall be in accordance with Federal laws and regulations.

## CHAPTER 8. NAVAL MILITIA

## 1 38A:8-1. Organization and composition

2 The Naval Militia may be organized, maintained and disbanded at the  
3 discretion of the Governor under applicable Federal laws and regulations.  
4 The Naval Militia shall consist of such organizations and units of the Naval  
5 Reserve of the United States as may be prescribed by the Governor and  
6 shall be composed of officers and enlisted men who meet the qualifications for  
7 membership in such Naval Reserve and are so enrolled therein.

## 1 38A:8-2. Administration, discipline and training

2 The administration, discipline and training of the Naval Militia shall  
3 conform to applicable Federal or State laws and regulations.

## 1 38A:8-3. Inactive Naval Militia

2 There may be an inactive Naval Militia consisting of officers and en-  
3 listed members. Regulations governing the same will be as prescribed by the  
4 Governor.

## CHAPTER 9. STATE GUARD

## 1 38A:9-1. Organization and composition

2 The State Guard may be organized, maintained and disbanded at the dis-  
3 cretion of the Governor at any time when additional defense forces are re-  
4 quired and such action is not prohibited by Federal and State laws and  
5 regulations. Such forces shall be composed of officers commissioned or war-  
6 ranted therein or assigned thereto, and such able-bodied citizens of the State  
7 as shall volunteer for service therein, supplemented, if necessary, by men of  
8 the unorganized militia enrolled by draft or otherwise as provided by law or  
9 regulation.

## 1 38A:9-2. Governor may prescribe regulations

2 The State Guard shall be organized, armed, equipped, maintained, dis-  
3 ciplined, governed, administered and trained under such regulations as the

4 Governor may prescribe, which shall conform, insofar as practicable, with  
5 applicable Federal laws and regulations.

1 38A:9-3. Use of armories and equipment

2 The Governor may make available to the State Guard the facilities of  
3 the State armories and their equipment and such other State premises and  
4 property as may be available, and he may requisition from the Federal Gov-  
5 ernment for the use of the State Guard, arms, ammunition, clothing, equip-  
6 ment and other items in accordance with Federal laws and regulations. The  
7 governing body of every county, municipality, board, commission or district,  
8 including school districts, may make available to the State Guard any prem-  
9 ises, facilities, equipment or other property belonging to, or in the possession  
10 or control of, any such body, municipality, board, body, commission or dis-  
11 trict.

CHAPTER 10. MILITARY JUSTICE

1 38A:10-1. Persons subject

2 All members of the organized militia, and all other persons lawfully  
3 called, ordered or drafted for duty in the organized militia from the dates  
4 they are required by the terms of the call, order or other directive to obey  
5 the same, are subject to this chapter.

1 38A:10-2. Territorial applicability

2 (a) This chapter shall be applicable in all places within the State. It  
3 shall also apply to all persons subject to this chapter while serving without  
4 the State and while going to and returning from such service without the  
5 State in a like manner and to the same extent as while such persons are  
6 serving within the State.

7 (b) Courts-Martial and Courts of Inquiry may be convened and held in  
8 units of the organized militia while serving without the State with the same  
9 jurisdiction and powers as if held within the State, and offenses committed  
10 without the State may be tried and punished either without the State or within  
11 the State.

1 38A:10-3. Courts—composition, jurisdiction, powers and procedures

2 The military courts for the militia of this State shall be constituted like  
3 similar courts of the Armed Forces of the United States. They shall have the  
4 jurisdiction and powers, except as to punishments, and shall follow the  
5 forms and procedures, provided for those courts. The convening authority  
6 for such military courts and maximum punishments authorized shall be as  
7 prescribed by Federal and State laws and regulations applicable to the  
8 National Guard; provided, however, that special courts-martial may be con-  
9 vened only with the approval of the Chief of Staff, Department of Defense.

1 38A:10-4. Trial by civil authority; when authorized

2 In any case when the offense charged is also an offense against civil  
3 authority, the convening authority of a court-martial may, upon request of  
4 the civil authorities, order the person charged to be turned over to the appro-  
5 priate civil authorities of such State, territory or place for trial.

1 38A:10-5. Persons authorized to execute process

2 All processes, writs, warrants and sentences of the military courts shall  
3 be directed to and executed by any sheriff, member of the State Police or  
4 any other officer or member of the police department of any municipality, or  
5 any other law enforcement officer of any county or municipality. They shall  
6 be similar in form to like processes, writs, or warrants issued by civil  
7 courts, or in such forms as may be prescribed by the Governor in regulations.  
8 All officers to whom such process, writ or warrant may be directed shall  
9 execute the same and make return thereof to the officer issuing them.

1 38A:10-6. Confinement of persons committed by military court

2 The keepers and wardens of all municipal or county jails shall receive  
3 the persons committed to them by a military court, and shall confine them in  
4 accordance with the direction of such court and according to law.

1 38A:10-7. Payment of fines; disposition

2 Fines shall be paid to the court imposing them, to the civil officer  
3 executing its process, or to the commanding officer of the organization of  
4 which the accused is a member. All fines imposed and collected by reason of

5 the sentence of any court-martial, except such as may be payable to the  
6 United States, shall be paid into the organization fund of which the person is a  
7 member, and shall be accounted for in the same manner as other funds of  
8 such organization.

1 38A:10-8. Indemnity for action of military court

2 No action or proceedings for damages shall be prosecuted or maintained  
3 against a member of a military court, or persons acting under its authority  
4 or reviewing its proceedings on account of the approval, or imposition or  
5 collection of any fine or other penalty, or the execution of any warrant, writ  
6 or other process of a military court.

1 38A:10-9. Reporter and witness fees

2 Any witness subpoenaed to appear before any military court shall receive  
3 the same fees as are provided by law for witnesses appearing in a civil  
4 court. The reporter of any court shall be paid for stenographic services the  
5 same fees as are provided by law for similar services in civil courts.

1 38A:10-10. Fees of civil officers; costs; records

2 Fees for services of civil officers shall be the same as provided by law  
3 for services in civil courts. Costs will be levied and disbursed by the court.  
4 Records of all fees, costs and disbursements shall be kept in the headquarters  
5 of the organization concerned.

CHAPTER 11. MILITARY FUNDS AND PROPERTY

1 38A:11-1. Funds of disbanded organizations

2 The Chief of Staff shall secure and hold in custody the funds of disbanded  
3 organizations after settling such necessary obligations as may be presented  
4 for payment within 6 months after such disbandment. Whenever any dis-  
5 banded organization shall be replaced within a year, the moneys shall be  
6 transferred by the Chief of Staff to the new organization. If no new organ-  
7 ization be organized within such year, the funds may be expended in such  
8 manner as he deems best.

1 38A:11-2. Bonds of officers responsible for funds and public property

2 Any officers to whom military property of the United States or of this  
3 State is issued or to whom public money is paid or who holds and disburses  
4 any military funds, shall be required to give bond with surety conditioned  
5 faithfully to perform the duties of his office and to account properly for all  
6 property, moneys or funds received and disbursed by him. Such bonds shall  
7 be in amount, form and with surety satisfactory to the Chief of Staff and filed  
8 in his office. The premium thereon shall be paid by the State.

1 38A:11-3. Financial and personal responsibility

2 Every officer and enlisted member to whom public property has been or  
3 may hereafter be issued shall be financially and personally responsible to  
4 the State or to the United States, as their interest may appear, for its good  
5 condition, safe-keeping and return when called upon by the competent  
6 authority.

1 38A:11-4. Liability for lost or destroyed property

2 In case of the loss, damage or destruction of such property, the person  
3 to whom the same has been issued shall not be relieved from liability unless  
4 it is shown to the satisfaction of the Governor, or of the Secretary of the  
5 Federal Service involved, or the authorized agent of either that the said loss,  
6 damage or destruction was unavoidable and not the fault of the person re-  
7 sponsible for the property.

1 38A:11-5. Value of lost or destroyed property chargeable to person at fault

2 Except as otherwise provided in this chapter the value of the property  
3 lost, damaged or destroyed shall be charged against the person at fault. Such  
4 person shall pay upon demand the value of such property to the Treasurer  
5 of the State of New Jersey or the Treasurer of the United States as may be  
6 determined by the evidence furnished.

1 38A:11-6. Determination of value of lost or destroyed property and person  
2 chargeable therewith

3 The value of the lost, damaged or destroyed property, and the person to  
4 be charged with the value thereof, shall be determined by a surveying officer

5 appointed by the Governor or the Secretary of the Federal service involved,  
6 who shall file a report of his findings and recommendations through proper  
7 channels, for administrative action.

1 38A:11-7. Recovery of moneys due for lost or destroyed property

2 If any person at fault, or his surety, shall fail to pay the full value of the  
3 lost, damaged or destroyed property, the amount due may be deducted from  
4 any pay or allowances due or to become due to such person or it may be re-  
5 covered by the methods prescribed by law for the recovery of moneys due  
6 the State or Federal Government in a civil court.

1 38A:11-8. Action before County Court

2 Any officer of the militia charged with the care and responsibility of  
3 public property may bring an action in the County Court against any resident  
4 of the county who detains any arm, article of clothing or equipment, or any  
5 military supplies, being the property of the United States or of this State.  
6 The court may proceed in the action in a summary manner or otherwise,  
7 with a jury if a jury be demanded by the defendant. The court may require  
8 the defendant to deliver up such property to the plaintiff.

1 38A:11-9. Seizure of military property

2 Any officer of the militia charged with the care or custody of property  
3 of any organization of the militia may seize and hold any uniforms, arms,  
4 equipment or other military property of the Federal Government or of this  
5 State.

1 38A:11-10. Issuance of search warrant

2 Any municipal court or other court of competent jurisdiction, on com-  
3 plaint made by any officer of the militia charged with the care or custody  
4 of any military property, that any such military property is unlawfully with-  
5 held from him by any person within the jurisdiction of such court, and that  
6 the same is believed to be in a particular place specified in the complaint,  
7 shall issue to any sheriff, constable, police officer or member of the State  
8 Police, a search warrant.

1 38A:11-11. Delivery of property

2 On finding such property, the court issuing such warrant shall order the  
3 property to be delivered to the officer making the complaint.

1 38A:11-12. Loan of equipage and stores to veterans organizations

2 When any lawfully organized association of veterans of any war from  
3 this State shall apply to the Chief of Staff for the temporary loan of camp  
4 and garrison equipage, ordnance or other military stores, for any purpose  
5 not in conflict with or in violation of the laws of this State, or the United  
6 States, the Chief of Staff shall examine into such application, and upon find-  
7 ing it a just and proper request may order and authorize the issuance of  
8 such stores.

9 The applicants shall be required to furnish good and sufficient bonds  
10 for the value of the stores issued. Such bonds shall first be approved by the  
11 Chief of Staff and remain on file in the office of the Chief of Staff.

1 38A:11-13. Military property exempt from process of law

2 The uniforms, arms and equipment, and other military property of the  
3 United States or this State shall be exempt from every process of law, except  
4 as otherwise provided in the chapter.

1 38A:11-14. Sale of military property

2 Unserviceable, unsuitable or surplus military property may, after a  
3 proper survey, be sold under such terms and regulations as may be pre-  
4 scribed by the Chief of Staff. Moneys derived from such sales shall be de-  
5 posited as received with the State Treasurer and maintained by him in a  
6 separate account. Moneys credited to such an account shall be appropriated  
7 and used for the repair, replacement, improvement and maintenance of mili-  
8 tary property.

CHAPTER 12. ARMORIES

1 38A:12-1. Lease or acquisition of real property for armories and other  
2 military facilities

3 The Chief of Staff is authorized to lease or acquire by gift, grant, pur-  
4 chase, exchange, eminent domain, or in any other lawful manner, in the name

5 of and for the use of the State of New Jersey such real property as shall  
6 be necessary for the purpose of armories or other military facilities.

7 No real property leased by this State or the United States for armories  
8 or other military facilities shall be subject to condemnation proceedings with-  
9 out first obtaining the approval of the Governor.

1 38A:12-2. Lease or conveyance of real property by a county or municipality

2 Whenever the title to any real property required for an armory or other  
3 military facility is vested in a county or municipality, such county or mu-  
4 nicipality may convey or lease, with or without consideration, such real prop-  
5 erty to this State.

1 38A:12-3. Construction, repair and alteration of armories and other military  
2 facilities

3 The Chief of Staff shall, in compliance with the provisions of chapter  
4 48 of the laws of 1954, supervise the construction, repair and alterations of  
5 armories and other military facilities.

1 38A:12-4. Cost of construction

2 The Chief of Staff, on behalf of the State is authorized to make applica-  
3 tion for, and accept from, the Federal Government, or any agency thereof,  
4 a grant of money to pay part, or all of the cost of constructing armories or  
5 other military facilities.

6 There shall be appropriated to the State Department of Defense from  
7 time to time, such sums as may be necessary to meet the State's share, or  
8 the entire cost of such construction, when included in any annual or supple-  
9 mental appropriation act.

1 38A:12-5. Use of armories and other military facilities for nonmilitary  
2 purposes

3 The Chief of Staff may lease, rent or permit the use of any armory or  
4 other military facility, or any part thereof, for nonmilitary purposes, under  
5 such restrictions and for such compensation, if any, as he may by regula-  
6 tions prescribe.

1 38A:12-6. Sale of buildings and real property to counties, municipalities or  
2 others

3 When any buildings and real property have been declared by the Chief  
 4 of Staff to be surplus or unsuitable for military purposes and their sale has  
 5 been authorized by the Governor, the Chief of Staff, on behalf of the State,  
 6 is authorized to convey such buildings and real property to the county or  
 7 municipality in which the same are situate, or to other purchasers, at such  
 8 price and upon such terms and conditions as shall be approved by the State  
 9 House Commission.

9 Furthermore, if it will not interfere with or impair military activities,  
 10 the Chief of Staff, on behalf of the State, may convey an easement to the  
 11 county or municipality in which the land is situated or to a public utility com-  
 12 pany organized under Title 48 of the Revised Statutes at such price and  
 13 upon such terms and conditions as shall be approved by the State House  
 14 Commission.

1 38A:12-7. Use of proceeds

2 The proceeds of any sale made pursuant to section 38A:12-6 of this Title  
 3 shall be deposited as received with the State Treasurer and maintained by  
 4 him in a separate account. Moneys credited to such an account shall be ap-  
 5 propriated and used for the purchase of real property or for the construc-  
 6 tion, alteration or renovation of buildings for the use of the militia.

1 38A:12-8. Purchase by county or municipality authorized

2 The board of chosen freeholders of any county or governing body of any  
 3 municipality may purchase any building and real property referred to in  
 4 section 38A:12-6 at the price and upon the terms and conditions so fixed.

CHAPTER 13. COMPENSATION FOR INJURIES

1 38A:13-1. Medical care and compensation

2 A member of the organized militia who incurs an injury, disease or dis-  
 3 ability in the performance of duty ordered by competent authority, and such  
 4 injury, disease or disability is determined to be in line of duty and the claim  
 5 is approved by the Chief of Staff, shall be entitled to medical care and to  
 6 receive the same compensation for temporary or permanent disabilities as is  
 7 provided in article 2 of chapter 15 of Title 34. In the event such member

8 incurs death under the same conditions, the dependent members of the family  
9 of the deceased, if any, shall be entitled to compensation as provided in  
10 article 2 of chapter 15 of Title 34.

11 As used in this chapter "in line of duty" means that the injury, dis-  
12 ease, disability or death has been sustained in the discharge of duty and is  
13 not due to any voluntary act or traceable to willful neglect, fault or his own  
14 vicious habits.

1 38A:13-2. Basis of compensation

2 The earnings of the member in his civilian vocation shall be the basis for  
3 such compensation, but the basis shall not be less than the pay such person  
4 was entitled to receive as an active member of the militia.

1 38A:13-3. Claimant subject to examination

2 The Chief of Staff may order an examination of a claimant to be made  
3 from time to time by a medical officer or officers or physician designated for  
4 that purpose. The Chief of Staff may direct the removal of the claimant to a  
5 hospital for treatment on recommendation of the medical officer or physician.  
6 If the claimant refuses to permit such examination or to go to such hospital  
7 or to follow the advice given or treatment prescribed for him therein, he shall  
8 be barred from all right to any claim or allowance under this chapter.

1 38A:13-4. Board to consider claim

2 The Chief of Staff may appoint a board of officers to inquire into the  
3 merits of any claim under this chapter. Such board shall have the same  
4 power as is possessed by presidents of courts-martial to take evidence,  
5 administer oaths, issue subpoenas, compel witnesses to attend and testify,  
6 and produce books and papers and to punish their failure to do so. The re-  
7 ports and findings of the board are subject to approval or disapproval of  
8 the Chief of Staff.

1 38A:13-5. Payment of claims

2 The amount found by the Chief of Staff to be due a member or his depend-  
3 ent family shall be paid by the State in the same manner as other State  
4 payments are made.

## 1 38A:13-6. Limitation on claims

2 A claim shall not be allowed unless it is presented to the Chief of Staff  
3 within 2 years from the date of the injury, disease, disability or death. A  
4 claim which has been adjudicated or modified may be reopened at any time  
5 by the Chief of Staff on the ground that the incapacitation has subsequently  
6 increased or decreased.

## 1 38A:13-7. Rehearing

2 Upon application of any claimant made within 6 months of the notifica-  
3 tion to such claimant or his attorney of the determination, the Chief of Staff  
4 may reopen a claim and may appoint another board, as provided in 38A:13-4  
5 to consider said claim. Such board shall make its report to the Chief of Staff  
6 in the same manner as the original board and may use the testimony taken  
7 before the original board or take additional testimony.

## CHAPTER 14. PROHIBITIONS AND PENALTIES

## 1 38A:14-1. Right of way while performing military duty

2 The commanding officer of any organization or unit of the organized  
3 militia parading or performing any military duty in any street or highway  
4 may require all persons on such street or highway to yield the right of way  
5 to such troops. Motor vehicles traveling in military convey, shall be accorded  
6 the right of way on all streets and highways of this State.

7 The exercise of the rights of way provided for in this section shall not  
8 interfere with the carriage of the United States mail, with the progress of  
9 ambulance, or the legitimate functions of the police and fire departments.

10 Any person who violates this section shall be guilty of a misdemeanor.

## 1 38A:14-2. Unlawful sale or detention of military property

2 Any person who shall secrete, sell, dispose of, offer for sale, purchase,  
3 retain after demand made by an officer or in any manner pledge or pawn any  
4 arms, equipment or other military property issued by the United States or  
5 this State for use of the militia, shall be guilty of a misdemeanor.

## 1 38A:14-3. Discrimination against uniform

2 Any person who shall exclude a person lawfully wearing a uniform of  
 3 the militia from the equal enjoyment of any accommodation, facility or privi-  
 4 lege furnished by innkeepers or common carriers or by owners, managers  
 5 or lessees of theatres or other places of amusement, resort, or public ac-  
 6 commodation because of that uniform, shall be guilty of a misdemeanor.

1 38A:14-4. Depriving members of the organized militia of employment

2 Any person who, either by himself or with another, willfully deprives  
 3 a member of the organized militia of his employment or prevents his being  
 4 employed by himself or another, or obstructs or annoys such member in his  
 5 employ in respect to his trade, business or employment because he is a  
 6 member of the organized militia or is performing or about to perform  
 7 some duty in connection therewith or dissuades any person from enlistment  
 8 therein by threat or injury to him in respect to his business, employment  
 9 or trade, in case he shall enlist, shall be guilty of a misdemeanor.

1 38A:14-5. Unlawful wearing of uniform

2 Any person who shall wear the uniform or insignia similar to those issued  
 3 or authorized for use by the organized militia and who is not a member  
 4 of the organized militia, except such members of organizations specifically  
 5 authorized so to do by Federal and State laws and regulations, shall be  
 6 guilty of a misdemeanor.

1 38A:14-6. Trespass upon or destruction or damage of militia property

2 Any person who willfully trespasses upon any camp or parade ground,  
 3 rifle range, armory or property lawfully used by or in connection with the  
 4 militia, or any part thereof, or injures any property situated thereon, or  
 5 willfully violates thereon any regulations established to maintain order, pre-  
 6 serve property or prevent accidents upon such property, or removes, muti-  
 7 lates or destroys any such property shall be guilty of a misdemeanor.

1 38A:14-7. Trespassers and disturbers may be placed in arrest

2 The commanding officer upon any occasion of duty may place in arrest  
 3 during the continuance thereof, any person who shall trespass upon a camp  
 4 or parade ground, armory, arsenal, rifle range, or any other place devoted

5 to or used for military purposes or shall in any manner interrupt or molest  
6 or disturb the orderly discharge of duty by those under arms, or shall dis-  
7 turb or prevent the passage of troops going to or returning from any duty.

1 38A:14-8. Assault on troops

2 Any person who assaults, fires at, throws missile at, against, or upon any  
3 uniformed member or members of the militia or other person lawfully aiding  
4 such member or members, when assembling or assembled for the purpose  
5 of performing any military duty, shall be guilty of a misdemeanor.

1 38A:14-9. Interference or failure to respond to order or call

2 Any person who willfully interferes with the execution of any order or  
3 call for troops made by the Governor, and any person ordered or called, who  
4 does not appear at the time and place designated within 24 hours of such  
5 time, or who does not produce a sworn certificate from a physician of phys-  
6 ical disability indicating inability to respond as aforesaid shall be deemed  
7 guilty of a misdemeanor.

1 38A:14-10. Gambling, auction sales and huckstery prohibited

2 The commanding officer may prohibit and prevent all gambling, auction  
3 sales and the peddling of all kinds of merchandise within the limits of the  
4 post, camp ground, or place of encampment.

#### CHAPTER 15. SERVICE MEDALS

1 38A:15-1. Faithful service medals

2 There may be issued to officers and enlisted members after at least 10  
3 years active and faithful service in the organized militia an appropriate  
4 medal, and for each and every 5 years of subsequent active and faithful  
5 service a suitable numeral therefor, under such regulations as the Governor  
6 may prescribe.

1 38A:15-2. Distinguished service medals

2 The Governor may present in the name of the State of New Jersey a  
3 distinguished service medal of appropriate design, and ribbon to be worn in  
4 lieu thereof, to any member of the organized militia who, while serving in  
5 any capacity in the organized militia under orders of the Governor, or while

6 in Federal service, shall distinguish himself by especially meritorious service  
7 and who has been or may be cited in orders for distinguished service by the  
8 Governor or by appropriate Federal authority.

1 38A:15-3. War service medals

2 The Chief of Staff may procure and issue such service medals, ribbons,  
3 clasps, or similar devices as are authorized by the Legislature to be awarded  
4 to residents of the State of New Jersey who served on active duty in time  
5 of war or emergency.

CHAPTER 16. MILITARY FORCES FRESH PURSUIT ACT

1 38A:16-1. Use without this State

2 The military forces of this State, when not in Federal service, shall not  
3 be required to serve outside the boundaries of this State except:

4 (a) Upon the request of the Governor of another State, the Governor  
5 of this State, may, in his discretion, order any portion or all of such forces  
6 to assist the military, naval or police forces of such other State who are  
7 actually engaged in defending such other State. Such forces may be recalled  
8 by the Governor at his discretion.

9 (b) Any organization, unit, detachment or member of such forces, upon  
10 order of the officer in immediate command thereof, may continue in fresh  
11 pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the  
12 borders of this State into another State until they are apprehended or cap-  
13 tured by such organization, unit, detachment or member or until the mili-  
14 tary, naval or police forces of the other State or the forces of the United  
15 States have had a reasonable opportunity to take up the pursuit or to appre-  
16 hend or capture such persons; provided, such other State shall have given  
17 authority by law for such pursuit by such forces of this State. Any such  
18 person who shall be apprehended or captured in such other State by an  
19 organization, unit, detachment or member of the forces of this State shall  
20 without unnecessary delay be surrendered to the military, naval or police

21 forces of the State in which he is taken or to the United States, but such  
 22 surrender shall not constitute a waiver by this State of its right to extradite  
 23 or prosecute such person for any crime committed in this State.

1 38A:16-2. Permission to forces of other States

2 Any military or naval forces or any organization, unit, detachment or  
 3 member thereof of another State who are in fresh pursuit of insurrection-  
 4 ists, saboteurs, enemies or enemy forces may continue such pursuit into this  
 5 State until the military or police forces of this State or the forces of the  
 6 United States have had a reasonable opportunity to take up the pursuit or  
 7 to apprehend or capture such persons and are hereby authorized to arrest or  
 8 capture such persons within this State while in fresh pursuit. Any such per-  
 9 son who shall be captured or arrested by the military or naval forces of  
 10 such other State while in this State shall without unnecessary delay be  
 11 surrendered to the military or police forces of this State to be dealt with  
 12 according to law. This section shall not be construed so as to make unlawful  
 13 any arrest in this State which would otherwise be lawful, and nothing con-  
 14 tained in this section shall be deemed to repeal any of the provisions of the  
 15 Uniform Act on Interstate Fresh Pursuit of Criminals, chapter 156 of Title  
 16 2A of the Revised Statutes.

CHAPTER 17. INTERSTATE COMMUNICATION FACILITIES EMERGENCY PROTECTION

1 38A:17-1. Agreements with Governors of bordering States for protection of  
 2 communication facilities

3 The Governor is authorized from time to time to enter into agreements  
 4 with the Governors of any States bordering on New Jersey for the protec-  
 5 tion in the event of emergency of any or all interstate bridges, tunnels, fer-  
 6 ries and other communications facilities between New Jersey and such other  
 7 States and by such agreement, to fix and define the powers, duties, liabilities  
 8 and immunities of the armed forces of New Jersey and of such other States  
 9 with respect to the protection of such bridges, tunnels, ferries and other  
 10 communications facilities.

## 1 38A:17-2. "Emergency" defined

2 As used in this chapter the term "emergency" shall mean and include  
 3 any disaster resulting from enemy attack, sabotage or other hostile action,  
 4 or from fire, flood, earthquake or other natural causes.

## CHAPTER 18. INTERSTATE COMPACTS FOR MILITARY AID

## 1 38A:18-1. "Emergency" defined

2 As used in this chapter the term "emergency" shall mean and include  
 3 invasion or other hostile action, disaster, insurrection or imminent danger  
 4 thereof.

## 1 38A:18-2. Authority of Governor

2 With the prior or subsequent consent of the Congress of the United  
 3 States, the Governor, on behalf of this State, is authorized to enter into,  
 4 amend, supplement and implement agreements or compacts with the execu-  
 5 tive authorities of other States, providing for mutual military aid, and mat-  
 6 ters incidental thereto, in an emergency.

## 1 38A:18-3. Subject matter of agreements or compacts with other States

2 Such agreements or compacts may include but shall not be limited to  
 3 provisions for joint military action against a common enemy; for the pro-  
 4 tection of bridges, tunnels, ferries, pipelines, communication facilities and  
 5 other vital installations, plants and facilities; for the military support of civil  
 6 defense agencies; for the fresh pursuit, by the organized militia or military  
 7 forces or any part thereof of a signatory State into the jurisdiction of any  
 8 other signatory State, of persons acting or appearing to act in the interest  
 9 of an enemy government or seeking or appearing to seek to overthrow the  
 10 government of the United States or of any signatory State; for the powers,  
 11 duties, rights, privileges and immunities of the members of the organized  
 12 militia or military forces of any signatory State while so engaged outside  
 13 their own jurisdiction; for such other matters as are of a military nature,  
 14 or incidental thereto, and which the Governor may deem necessary or  
 15 proper to promote the health, safety and welfare of the people of this State;  
 16 for the allocation of all costs and expenses arising from the planning and  
 17 operation of such agreements or compacts.

1 38A:18-4. Governor's power to enter into interstate compacts not limited  
2 by act

3 Nothing contained in this chapter shall be construed as limiting, directly  
4 or indirectly, the power of the Governor to enter into interstate compacts  
5 or other agreements relating to mutual military aid and assistance in an  
6 emergency or impairing in any respect the force and effect thereof.

CHAPTER 19. REPEALERS, CONSTRUCTION OF ACT, EFFECTIVE DATE, ETC.

1 38A:19-1. Statutes repealed

2 This act is a revision law and all acts and parts of acts inconsistent  
3 herewith are hereby superseded and repealed with all amendments and  
4 supplements and without limiting the general effect of this act in superseding  
5 and repealing acts inconsistent herewith the following acts and parts of acts  
6 are specifically repealed;

- 7 Chapter 1 of Title 38 of the Revised Statutes;
- 8 Chapter 2 of Title 38 of the Revised Statutes;
- 9 Chapter 3 of Title 38 of the Revised Statutes;
- 10 Chapter 4 of Title 38 of the Revised Statutes;
- 11 Chapter 5 of Title 38 of the Revised Statutes;
- 12 Chapter 7 of Title 38 of the Revised Statutes;
- 13 Chapter 8 of Title 38 of the Revised Statutes;
- 14 Chapter 9 of Title 38 of the Revised Statutes;
- 15 Chapter 10 of Title 38 of the Revised Statutes;
- 16 Chapter 11 of Title 38 of the Revised Statutes;
- 17 Chapter 12 of Title 38 of the Revised Statutes;
- 18 Chapter 13 of Title 38 of the Revised Statutes;
- 19 Chapter 14 of Title 38 of the Revised Statutes;
- 20 Chapter 15 of Title 38 of the Revised Statutes;
- 21 Chapter 19 of Title 38 of the Revised Statutes;
- 22 Chapter 22 of Title 38 of the Revised Statutes;
- 23 Chapter 26 of Title 38 of the Revised Statutes;

- 24 Chapter 27 of Title 38 of the Revised Statutes;
- 25 Laws of 1878, chapter 135
- 26 Laws of 1883, Joint Resolution No. 111
- 27 Laws of 1888, chapter 182
- 28 Laws of 1894, chapter 184
- 29 Laws of 1899, chapter 75
- 30 Laws of 1899, Joint Resolution No. 2
- 31 Laws of 1900, Joint Resolution No. 1
- 32 Laws of 1901, Joint Resolution No. 1
- 33 Laws of 1904, Joint Resolution No. 10
- 34 Laws of 1906, chapter 153
- 35 Laws of 1908, chapter 134
- 36 Laws of 1908, chapter 237
- 37 Laws of 1908, Joint Resolution No. 1
- 38 Laws of 1908, Joint Resolution No. 10
- 39 Laws of 1909, Joint Resolution No. 2
- 40 Laws of 1911, chapter 253
- 41 Laws of 1913, chapter 266
- 42 Laws of 1915, chapter 200
- 43 Laws of 1919, Joint Resolution No. 8
- 44 Laws of 1920, chapter 159
- 45 Laws of 1922, chapter 21
- 46 Laws of 1924, chapter 14
- 47 Laws of 1929, chapter 337
- 48 Laws of 1934, chapter 181
- 49 Laws of 1935, chapter 17
- 50 Laws of 1939, chapter 95
- 51 Laws of 1941, chapter 109
- 52 Laws of 1941, chapter 115
- 53 Laws of 1945, chapter 54
- 54 Laws of 1948, chapter 82

- 55 Laws of 1949, chapter 99  
 56 Laws of 1950, chapter 68  
 57 Laws of 1951, chapter 1  
 58 Laws of 1953, chapter 82  
 59 Laws of 1955, chapter 32  
 60 Laws of 1956, chapter 91  
 61 Laws of 1957, chapter 122

1 38A:19-2. Effect of repeal

2 The repeal of any statute or part of a statute hereby effected shall not  
 3 of itself revive any right or remedy abolished or superseded by said statute  
 4 or part of a statute, so repealed.

1 38A:19-3. Act not to be printed in Pamphlet Law

2 This act shall not be printed in the Pamphlet Law of this or any other  
 3 session of the Legislature.

1 38A:19-4. Effective date

2 This act shall take effect July 1, 1963.

**SUBTITLE 2. MILITARY COMPACTS**

**CHAPTER 20. MILITARY COMPACTS SAVED FROM REPEAL**

**ARTICLE I. GENERAL PROVISIONS**

1 38A:20-1. Statutes saved from repeal; compiled.

2 The statutes contained in this chapter, which consists of Interstate Com-  
 3 pacts, are saved from repeal without change in substance and are compiled  
 4 herein for convenience in reference only.

**ARTICLE II. INTERSTATE COMPACT FOR MUTUAL MILITARY AID**

**IN AN EMERGENCY**

1 C. 38A:20-2.

2 AN ACT concerning mutual military aid and assistance by and between the  
 3 the State of New Jersey and other States, in an emergency, and approv-  
 4 ing and agreeing to an interstate compact therefor.

5 (L. 1951, c. 2. Approved February 15, 1951.)

6 WHEREAS, On the twelfth day of December, one thousand nine hundred and  
7 fifty, the Governor of the State of New York, for and on behalf of the  
8 State of New York, and the Governor of the State of New Jersey, for  
9 and on behalf of the State of New Jersey, agreed to an interstate com-  
10 pact for mutual military aid and assistance between such respective  
11 States, in an emergency; and

12 WHEREAS, Article II of said compact provides: "This compact shall become  
13 effective as to the signatory States when the Legislatures thereof have  
14 approved it and when the Congress has given its consent either before  
15 or after the date hereof. Any State not a party to this compact at the  
16 date hereof may become a party hereto."; and

17 WHEREAS, It is the purpose and object of said compact to promote the na-  
18 tional security and the security of the States signatory thereto, and  
19 further protect the public health, safety and welfare; and

20 WHEREAS, It is the purpose and object of this act to approve said interstate  
21 compact; and

22 WHEREAS, By the provisions of chapter 68 of the laws of 1950, the Governor  
23 of this State is authorized from time to time to enter into agreements  
24 with Governors of States bordering on New Jersey for the protection  
25 in the event of emergency of interstate bridges, tunnels, ferries and  
26 other communications facilities between New Jersey and such other  
27 States; therefore

28 1. The State of New Jersey does hereby agree to, approve, and enter  
29 into a solemn compact with the State of New York (upon that State concur-  
30 ring therein, or otherwise approving thereof, by appropriate legislation)  
31 and with such other States as likewise concur therein or otherwise approve  
32 thereof, in form and terms as heretofore agreed to by the Governor of the  
33 State of New Jersey and the Governor of the State of New York, as follows:

## AN INTERSTATE COMPACT FOR MUTUAL MILITARY

## AID IN AN EMERGENCY

## ARTICLE I

34 (1) The purposes of this compact are:

35 a. to provide for mutual military aid and assistance in an emergency by  
36 the military forces of a signatory State to the military forces of the other  
37 signatory States or of the United States, including among other military mis-  
38 sions, the protection of interstate bridges, tunnels, ferries, pipe lines, com-  
39 munications facilities and other vital installations, plants and facilities; and  
40 the military support of civil defense agencies;

41 b. to provide for the fresh pursuit in case of an emergency, by the mili-  
42 tary forces or any part or member thereof of a signatory State into another  
43 State, of insurrectionists, saboteurs, enemies or enemy forces or persons  
44 seeking or appearing to seek to overthrow the government of the United  
45 States or of a signatory State;

46 c. to make provision for the powers, duties, rights, privileges and im-  
47 munities of the members of the military forces of a signatory State while so  
48 engaged outside of their own State.

49 (2) a. "Emergency" as used in this compact shall mean and include in-  
50 vasion or other hostile action, disaster, insurrection or imminent danger  
51 thereof.

52 b. "State" as used in this compact shall include any signatory State.

53 c. "Military forces" as used in this compact shall include the organ-  
54 ized militia, or any force thereof, of a signatory State.

## ARTICLE II

55 This compact shall become effective as to the signatory States  
56 when the Legislatures thereof have approved it and when the Congress has  
57 given its consent either before or after the date hereof. Any State not a  
58 party to this compact at the date hereof may become a party hereto.

## ARTICLE III

59 The Governor of each signatory State or his designated military rep-  
60 resentative shall constitute the Committee for Mutual Military Aid for the  
61 signatory States. It shall be the duty of the Committee for Mutual Military  
62 Aid to make joint plans for the employment of the military forces of the  
63 signatory States for mutual military aid and assistance in case of emer-  
64 gency.

## ARTICLE IV

65 (1) It shall be the duty of each signatory State to integrate its plan for  
66 the employment of its military forces in case of emergency with the joint  
67 plans recommended by the Committee for Mutual Military Aid and with the  
68 emergency plans of the armed forces of the United States.

69 (2) In case of emergency, upon the request of the Governor of a signa-  
70 tory State, the Governor of each signatory State, to the extent consistent  
71 with the needs of his own State, shall order its military forces or such part  
72 thereof as he, in his discretion, may find necessary, to assist the military  
73 forces of the requesting State in order to carry out the purposes set forth  
74 in this compact. In such case, it shall be the duty of the Governor of each  
75 signatory State receiving such a request to issue the necessary orders for  
76 such use of the military forces of his State without the borders of his State  
77 and to direct the commander of such forces to place them under the opera-  
78 tional control of the commander of the forces of the requesting State or of  
79 the United States which may be engaged in meeting the emergency.

80 (3) The Governor of any signatory State, in his discretion, may recall  
81 the military forces of his State serving without its borders or any part or  
82 any member of such forces.

## ARTICLE V

83 In case of an emergency, any unit or member of the military forces of a  
84 signatory State which has been ordered into active service by the Governor  
85 may upon order of the officer in immediate command thereof continue be-

86 yond the borders of his own State into another signatory State in fresh pur-  
87 suit of insurrectionists, saboteurs, enemies or enemy forces or persons seek-  
88 ing or appearing to seek to overthrow the government of the United States  
89 or of any one of the signatory States, until they are apprehended by such  
90 unit or member. Any such person who shall be apprehended or captured in  
91 a signatory State by a unit or member of the military forces of another  
92 signatory State shall without unnecessary delay be surrendered to the mili-  
93 tary or police forces of the State in which he is taken or to the forces of the  
94 United States. Such surrender shall not constitute a waiver by the State of  
95 the military forces making the capture, of its right to extradite or prosecute  
96 such persons for any crime committed in that State.

#### ARTICLE VI

97 (1) Whenever the military forces or any part thereof of any signatory  
98 State are engaged outside of their own State in carrying out the purposes  
99 of this compact, the individual members of such military forces so engaged  
100 shall not be liable, civilly or criminally, for any act or acts done by them in  
101 the performance of their duty.

102 (2) The individual members of such forces shall have the same powers,  
103 duties, rights, privileges and immunities as the members of the military forces  
104 of the State in which they are engaged, but in any event,

105 (3) Each signatory State shall save harmless any member of its mili-  
106 tary forces wherever serving and any member of the military forces of any  
107 other signatory State serving within its borders for any act or acts done by  
108 them in the performance of their duty while engaged in carrying out the  
108a purposes of this compact.

#### ARTICLE VII

109 (1) Each signatory State shall provide, in the same amounts and man-  
110 ner as if they were on duty within their own State, for the pay and allow-  
111 ances of the personnel of its military forces, and for the medical and hospital  
112 expenses, disability and death benefits, pensions and funeral expenses of  
113 wounded, injured or sick personnel and of dependents or representatives of

114 deceased personnel of its military forces, in case such personnel shall suffer  
115 wounds, injuries, disease, disability or death while engaged without the State  
116 pursuant to this compact and while going to and returning from such other  
117 signatory State. Each signatory State shall provide in the same amounts  
118 and manner as if they were on duty within their own State for the logistical  
119 support and for other costs and expenses of its military forces while engaged  
120 without the State pursuant to this compact and while going to and return-  
121 ing from such other signatory State.

122 (2) Any signatory State rendering outside aid in case of insurrection or  
123 disaster not the result of invasion or hostile action, shall, if it so elects be  
124 reimbursed by the signatory State receiving such aid for the pay and allow-  
125 ances of its personnel, logistical support and all other costs and expenses  
126 referred to in section 1 of this article and incurred in connection with the  
127 request for aid. Such election shall be exercised by the Governor of the  
128 aiding State presenting a statement and request for reimbursement of such  
129 costs and expenses to the Governor of the requesting State.

#### ARTICLE VIII

130 Nothing in this compact shall be construed to limit or restrict the power  
131 of any signatory State in case of an emergency affecting that State only, to  
132 provide for the internal defense of any part of the territory of said State  
133 or for the protection and control of any bridge, tunnel, ferry, installation,  
134 plant or facility or any part thereof within the borders of such State or to  
135 prohibit the enforcement of any laws, rules and regulations or the execution  
136 of any plan with regard thereto.

#### ARTICLE IX

137 This compact shall continue in force and remain binding on each signa-  
138 tory State until the Legislature or the Governor of such State gives notice  
139 of withdrawal therefrom. Such notice of withdrawal shall not be effective  
140 until 6 months after said notice has been given to the Governor of each of  
141 the other signatory States.

142 In Witness Whereof, the States whose Governors have signed below have  
143 become parties to this compact.

144 12 December 1950.

145 THOMAS E. DEWEY (Signed)

146 [SEAL] Governor of New York.

147 Attest:

148 THOMAS J. CURRAN (Signed)

149 Secretary of State of the State of New York.

150 ALFRED E. DRISCOLL (Signed)

151 [SEAL] Governor of New Jersey.

152 By the Governor:

153 LLOYD B. MARSH (Signed,

154 Secretary of State of the State of New Jersey.

155 2. Nothing contained in this act shall be construed as limiting, directly or  
156 indirectly, the power of the Governor to enter into interstate compacts or  
157 other agreements relating to mutual military aid and assistance in an emer-  
158 gency or impairing in any respect the force and effect thereof.

159 3. This act shall take effect immediately.

#### ARTICLE III. INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

1 C. 38A:20-3.

2 AN ACT concerning interstate civil defense and ratifying on behalf of the State  
3 of New Jersey a compact therefor.

4 (L. 1951, c. 8. Approved March 27, 1951.)

5 1. The Legislature of this State hereby ratifies a compact on behalf of  
6 the State of New Jersey with any other State legally joining therein in the  
7 form substantially as follows:

#### INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

8 The contracting States solemnly agree:

#### ARTICLE I

9 The purpose of this compact is to provide mutual aid among the States  
10 in meeting any emergency or disaster from enemy attack or other cause

11 (natural or otherwise) including sabotage and subversive acts and direct  
12 attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological  
13 means, and other weapons. The prompt, full and effective utilization of the  
14 resources of the respective States, including such resources as may be avail-  
15 able from the United States Government or any other source, are essential  
16 to the safety, care and welfare of the people in the event of enemy action or  
17 other emergency, and any other resources, including personnel, equipment  
18 or supplies, shall be incorporated into a plan or plans of mutual aid to be  
19 developed among the Civil Defense agencies or similar bodies of the States  
20 that are parties hereto. The Directors of Civil Defense of all party States  
21 shall constitute a committee to formulate plans and take all necessary steps  
22 for the implementation of this compact.

#### ARTICLE II

23 It shall be the duty of each party State to formulate civil defense plans  
24 and programs for application within such State. There shall be frequent  
25 consultation between the representatives of the States and with the United  
26 States Government and the free exchange of information and plans, includ-  
27 ing inventories of any materials and equipment available for civil defense.  
28 In carrying out such civil defense plans and programs the party States shall  
29 so far as possible provide and follow uniform standards, practices and rules  
30 and regulations including:

31 (a) Insignia, arm bands and any other distinctive articles to designate  
32 and distinguish the different civil defense services;

33 (b) Blackouts and practice blackouts, air raid drills, mobilization of civil  
34 defense forces and other tests and exercises;

35 (c) Warnings and signals for drills or attacks and the mechanical devices  
36 to be used in connection therewith;

37 (d) The effective screening or extinguishing of all lights and lighting  
38 devices and appliances;

39 (e) Shutting off water mains, gas mains, electric power connections and  
40 the suspension of all other utility services;

41 (f) All materials or equipment used or to be used for civil defense pur-  
42 poses in order to assure that such materials and equipment will be easily and  
43 freely interchangeable when used in or by any other party State;

44 (g) The conduct of civilians and the movement and cessation of move-  
45 ment of pedestrians and vehicular traffic, prior, during and subsequent to  
46 drills or attacks;

47 (h) The safety of public meetings or gatherings; and

48 (i) Mobile support units.

#### ARTICLE III

49 Any party State requested to render mutual aid shall take such action as  
50 is necessary to provide and make available the resources covered by this  
51 compact in accordance with the terms hereof; provided, that it is understood  
52 that the State rendering aid may withhold resources to the extent necessary  
53 to provide reasonable protection for such State. Each party State shall  
54 extend to the civil defense forces of any other party State, while operat-  
55 ing within its State limits under the terms and conditions of this compact,  
56 the same powers (except that of arrest unless specifically authorized by the  
57 receiving State), duties, rights, privileges and immunities as if they were  
58 performing their duties in the State in which normally employed or render-  
59 ing services. Civil defense forces will continue under the command and con-  
60 trol of their regular leaders but the organizational units will come under  
61 the operational control of the civil defense authorities of the State receiving  
62 assistance.

#### ARTICLE IV

63 Whenever any person holds a license, certificate or other permit issued  
64 by any State evidencing the meeting of qualifications for professional, me-  
65 chanical or other skills, such person may render aid involving such skill in  
66 any party State to meet an emergency or disaster and such State shall give  
67 due recognition to such license, certificate or other permit as if issued in the  
68 State in which aid is rendered.

**ARTICLE V**

69 No party State or its officers or employees rendering aid in another  
70 State pursuant to this compact shall be liable on account of any act or omis-  
71 sion in good faith on the part of such forces while so engaged, or on account  
72 of the maintenance or use of any equipment or supplies in connection  
73 therewith.

**ARTICLE VI**

74 Inasmuch as it is probable that the pattern and detail of the machinery  
75 for mutual aid among two or more States may differ from that appropriate  
76 among other States party hereto, this instrument contains elements of a  
77 broad base common to all States, and nothing herein contained shall pre-  
78 clude any State from entering into supplementary agreements with another  
79 State or States. Such supplementary agreements may comprehend, but shall  
80 not be limited to, provisions for evacuation and reception of injured and  
81 other persons, and the exchange of medical, fire, police, public utility, recon-  
82 naissance, welfare, transportation and communications personnel, equipment  
83 and supplies.

**ARTICLE VII**

84 Each party State shall provide for the payment of compensation and  
85 death benefits to injured members of the civil defense forces of that State  
86 and the representatives of deceased members of such forces in case such  
87 members sustain injuries or are killed while rendering aid pursuant to this  
88 compact, in the same manner and on the same terms as if the injury or  
89 death were sustained within such State.

**ARTICLE VIII**

90 Any party State rendering aid in another State pursuant to this compact  
91 shall be reimbursed by the party State receiving such aid for any loss or  
92 damage to, or expense incurred in the operation of any equipment answer-  
93 ing a request for aid, and for the cost incurred in connection with such re-  
94 quests; provided, that any aiding party State may assume in whole or in

95 part such loss, damage, expense, or other cost, or may loan such equipment or  
96 donate such services to the receiving party State without charge or cost;  
97 and provided further, that any 2 or more party States may enter into supple-  
98 mentary agreements establishing a different allocation of costs as among those  
99 States. The United States Government may relieve the party State receiving  
100 aid from any liability and reimburse the party State supplying civil defense  
101 forces for the compensation paid to and the transportation, subsistence and  
102 maintenance expenses of such forces during the time of the rendition of  
103 such aid or assistance outside the State and may also pay fair and reason-  
104 able compensation for the use or utilization of the supplies, materials, equip-  
105 ment or facilities so utilized or consumed.

#### ARTICLE IX

106 Plans for the orderly evacuation and reception of the civilian popula-  
107 tion as the result of an emergency or disaster shall be worked out from time  
108 to time between representatives of the party States and the various local  
109 civil defense areas thereof. Such plans shall include the manner of trans-  
110 porting such evacuees, the number of evacuees to be received in different  
111 areas, the manner in which food, clothing, housing, and medical care will be  
112 provided, the registration of the evacuees, the providing of facilities for the  
113 notification of relatives or friends and the forwarding of such evacuees to  
114 other areas or the bringing in of additional materials, supplies, and all other  
115 relevant factors. Such plans shall provide that the party State receiving  
116 evacuees shall be reimbursed generally for the out-of-pocket expenses in-  
117 curred in receiving and caring for such evacuees, for expenditures for trans-  
118 portation, food, clothing, medicines and medical care and like items. Such  
119 expenditures shall be reimbursed by the party State of which the evacuees  
120 are residents, or by the United States Government under plans approved by  
121 it. After the termination of the emergency or disaster the party State of  
122 which the evacuees are resident shall assume the responsibility for the ulti-  
123 mate support or repatriation of such evacuees.

**ARTICLE X**

124 This compact shall be available to any State, territory or possession of  
125 the United States, and the District of Columbia. The term "State" may also  
126 include any neighboring foreign country or province or State thereof.

**ARTICLE XI**

127 The committee established pursuant to Article I of this compact may  
128 request the Civil Defense Agency of the United States Government to act  
129 as an informational and co-ordinating body under this compact, and repre-  
130 sentatives of such agency of the United States Government may attend  
131 meetings of such committee.

**ARTICLE XII**

132 This compact shall become operative immediately upon its ratification  
133 by any State as between it and any other State or States so ratifying and  
134 shall be subject to approval by Congress unless prior Congressional ap-  
135 proval has been given. Duly authenticated copies of this compact and of  
136 such supplementary agreements as may be entered into shall, at the time of  
137 their approval, be deposited with each of the party States and with the Civil  
138 Defense Agency and other appropriate agencies of the United States  
139 Government.

**ARTICLE XIII**

140 This compact shall continue in force and remain binding on each party  
141 State until the Legislature or the Governor of such party State takes action  
142 to withdraw therefrom. Such action shall not be effective until 30 days  
143 after notice thereof has been sent by the Governor of the party State desir-  
144 ing to withdraw to the Governors of all other party States.

**ARTICLE XIV**

145 This compact shall be construed to effectuate the purposes stated in  
146 Article I hereof. If any provision of this compact is declared unconstitu-  
147 tional, or the applicability thereof to any person or circumstance is held

148 invalid, the constitutionality of the remainder of this compact and the appli-  
 149 cability thereof to other persons and circumstances shall not be affected  
 150 thereby.

151 2. Duly authenticated copies of this act shall, upon its approval, be trans-  
 152 mitted to the Governor of each State, to the President of the Senate of the  
 153 United States, to the Speaker of the United States House of Representatives,  
 154 to the Federal Civil Defense Administration, to the Secretary of State of the  
 155 United States, and to the Council of State Governments.

156 3. Nothing contained in this act shall be construed as limiting, directly  
 157 or indirectly, the power of the Governor to enter into interstate compacts or  
 158 other agreements, relating to civil defense in an emergency, or impairing in  
 159 any respect the force and effect thereof.

160 4. This act shall take effect immediately.

#### TABLE I

##### SHOWING DERIVATION OF SECTIONS OF STATUTES OF TITLE 38A

##### TITLE 38A. MILITARY AND VETERANS LAW

##### SUBTITLE 1. ARMED FORCES

Title 38A	R. S. 1937 N. J. S. A.	Subsequent Laws
<b>CHAPTER 1. GENERAL PROVISIONS</b>		
	38:1-1	as am. L. 1941, c. 109, § 1;
38A:1-1		L. 1942, c. 344, § 1; L. 1947, c. 108, § 1.
	38:14-1	
	38:1-1	as am. L. 1941, c. 109, § 1; L. 1942, c. 344, § 1;
38A:1-2		L. 1947, c. 108, § 1.
38A:1-3	38:1-1	as am. L. 1941, c. 109, § 1; L. 1942, c. 344, § 1; L. 1947, c. 108, § 1.

Title 38A	R. S. 1937 N. J. S. A.	Subsequent Laws
38A:1-4	38:1-2	
38A:1-5	38:14-5	
38A:1-6	38:14-2	
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38:2-9		Not enacted
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38:3-2	as am. L. 1950, c. 239, § 3	38A:3-6
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38:3-7		Not enacted

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38:3-12 to	Repealed L. 1950, c. 239, § 29	
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38:3-17	as am. L. 1950, c. 239, § 11	38A:5-3
38:3-18	as am. L. 1950, c. 239, § 12	38A:5-8
38:3-19	as am. L. 1950, c. 239, § 13	38A:5-9
38:3-20	Repealed L. 1950, c. 239, § 29	
38:3-21	as am. L. 1950, c. 239, § 14	38A:5-6
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38:3-29		Not enacted

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38:3-59		Not enacted

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38:4-16	as am. L. 1950, c. 239, § 23	38A:5-6
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38:5-7.1	L. 1941, c. 109, § 15, supplementing	
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	Title 38, c. 5	38A:9-1
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38:5-7.2	L. 1941, c. 109, § 17 supplementing	
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	Title 38, c. 5	38A:9-3
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38:5-8	as am. L. 1941, c. 109, § 12	38A:9-2
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CHAPTER 6. COLORED BATTALION OF  
INFANTRY STATE MILITIA

R. S. 1937 N. J. S. A.	Subsequent Laws	Title 38A
38:6-1	Repealed, L. 1959, c. 85, § 1	
38:6-2	Repealed, L. 1959, c. 85, § 1	
38:6-3	Repealed, L. 1959, c. 85, § 1	

CHAPTER 7. STATE MILITARY BOARD

38:7-1	as am. 1941, c. 109, § 18 1946, c. 234, § 1	Not enacted
38:7-2		38A:3-6 38A:12-5
38:7-3		Not enacted

CHAPTER 8. ARMORIES

ARTICLE 1. GENERAL POWERS OF STATE MILITARY BOARD

38:8-1		Not enacted
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ARTICLE 2. ACQUIRING SITES FOR AND THE ERECTION  
AND EQUIPMENT OF ARMORIES

38:8-2	Acts Saved from Repeal: L. 1913, c. 266, § 1, (1924 Supp. § 129-218(a)-(9)) L. 1953, c. 79	Not enacted Not enacted Not enacted
38:8-3		38A:12-2
38:8-4	Act Saved from Repeal: L. 1878, c. 135, § 1, (C. S. § 164)	Not enacted Not enacted
38:8-5	Acts Saved from Repeal: L. 1888, c. 182, § 1, as am. 1906, c. 125, § 2, L. 1910, c. 239, § 2, (C. S. § 168); L. 1888, c. 182, § 2, (C. S. § 169);	Not enacted Not enacted Not enacted

R. S. 1937  
N. J. S. A.

Subsequent Laws	Title 38A
L. 1888, c. 182, § 3, as am. L. 1894, c. 109, § 1, L. 1907, c. 83, § 1, L. 1910, c. 239, § 3, (C. S. § 170);	Not enacted
L. 188, c. 182, §§ 4-6, as am. L. 1906, c. 125, §§ 3-5, L. 1910, c. 239, §§ 4-6, (C. S. §§ 171-3);	Not enacted
L. 1888, c. 182, §§ 7-8, (C. S. §§ 174-5);	Not enacted
L. 1890, c. 25, § 1, (C. S. § 176), supp. to L. 1888, c. 182;	Not enacted
L. 1890, c. 185, §§ 1-2, as am. L. 1893, c. 291, §§ 1-2, (C. S. §§ 177-8) supp. to L. 1888, c. 182;	Not enacted
L. 1890, c. 185, §§ 3-4, (C. S. §§ 179-80), supp. to L. 1888, c. 182;	Not enacted
L. 1896, c. 166, § 1, (C. S. § 181), supp. to L. 1890, c. 185, supp. to L. 1888, c. 182;	Not enacted
L. 1892, c. 106, § 1, (C. S. § 182), supp. to L. 1888, c. 182;	Not enacted
L. 1894, c. 68, § 1, (C. S. § 183), supp. to L. 1888, c. 182;	Not enacted
L. 1895, c. 105, § 1, (C. S. § 184), supp. to L. 1888, c. 182;	Not enacted
L. 1896, c. 215, §§ 1-2, (C. S. §§ 185-6), supp. to L. 1888, c. 182;	Not enacted
L. 1897, c. 62, §§ 1-3, (C. S. §§ 187-9), supp. to L. 1888, c. 182;	Not enacted
L. 1897, c. 106, § 1, (C. S. § 191), supp. to L. 1888, c. 182;	Not enacted

R. S. 1937 N. J. S. A.	Subsequent Laws	Title 38A
38:8-10	Act Saved from Repeal: L. 1922, c. 21, § 1, (1924 Supp. § 48-1750 I(1))	Not enacted  Not enacted
38:8-11	Act Saved from Repeal: L. 1915, c. 200, § 1, (1924 Supp. § 136-3770E(1))	Not enacted  Not enacted
38:8-12	Act Saved from Repeal: L. 1908, c. 134, §§ 1-3, (C. S. §§ 220-2)	Not enacted  Not enacted

ARTICLE 4. USE OF ARMORIES OTHER THAN  
FOR MILITARY PURPOSES

38:8-13		38A:12-5
38:8-14		38A:12-5
38:8-15		Not enacted
38:8-16		38A:12-5
38:8-17		38A:12-5
38:8-18		38A:12-5
38:8-19		38A:12-5
38:8-20		38A:12-5
38:8-21		38A:12-5
38:8-22	as am. L. 1950, c. 17, § 1	28A:12-5

CHAPTER 8A. BUILDINGS AND GROUNDS

38:8A-1	L. 1955, c. 32, § 1	38A:12-6
38:8A-2	L. 1955, c. 32, § 2	38A:12-7

CHAPTER 9. FUNDS AND PUBLIC PROPERTY

ARTICLE 1. PERSONAL RESPONSIBILITY FOR PROPERTY

38:9-1		38A:11-2
38:9-2		38A:11-3
38:9-3		38A:11-4

R. S. 1937  
N. J. S. A.

	Subsequent Laws	Title 38A
	L. 1898, c. 145, § 1, (C. S. § 192), supp. to L. 1888, c. 182;	Not enacted
	L. 1899, c. 115, § 1, (C. S. § 193), supp. to L. 1888, c. 182;	Not enacted
	L. 1900, c. 128, § 1, (C. S. § 190), supp. to L. 1897, c. 62, supp. to L. 1888, c. 182;	Not enacted
	L. 1901, c. 15, § 1, as am. L. 1902, c. 59, § 1, (C. S. § 194), supp. to L. 1888, c. 182;	Not enacted
	L. 1901, c. 15, §§ 2-3, (C. S. §§ 195-6), supp. to L. 1888, c. 182;	Not enacted
	L. 1903, c. 204, §§ 1-3, (C. S. §§ 197-9), supp. to L. 1888, c. 182;	Not enacted
	L. 1906, c. 165, §§ 1-3, (C. S. §§ 200-2), supp. to L. 1888, c. 182;	Not enacted
	L. 1908, c. 240, § 1, (C. S. § 203), supp. to L. 1888, c. 182.	Not enacted
38:8-6	Acts Saved from Repeal:	Not enacted
	L. 1911, c. 253, §§ 1-5, (1924 Supp. §§ 192-236);	Not enacted
	L. 1911, c. 253, § 6, as am. L. 1920, c. 315, § 1, (1924 Supp. §§ 129-237);	Not enacted
	L. 1912, c. 107, §§ 1-2, (1924 Supp. §§ 129-239) supp. to L. 1911, c. 253.	Not enacted
38:8-7	Act Saved from Repeal:	Not enacted
	L. 1894, c. 184, §§ 1-4, (C. S. §§ 204-7)	Not enacted
	ARTICLE 3. APPROPRIATION FOR ARMORY PURPOSES	
38:8-8	as am. L. 1948, c. 112, § 1	Not enacted
38:8-9		Not enacted

R. S. 1937		
N. J. S. A.	Subsequent Laws	Title 38A
38:9-4		38A:11-5
38:9-5		38A:11-6
38:9-6		38A:11-7

#### ARTICLE 2. PROCEDURE FOR RETURN OF MILITARY PROPERTY

38:9-7	as am. L. 1953, c. 35, § 1	38A:11-8
38:9-8	Repealed L. 1953, c. 35, §§ 2-3	
38:9-9	Repealed L. 1953, c. 35, §§ 2-3	
38:9-10		38A:11-9
38:9-11	as am. L. 1953, c. 35, § 5	38A:11-10
38:9-12	as am. L. 1953, c. 35, § 5	38A:11-11

#### CHAPTER 10. LOAN OF PROPERTY TO VETERAN ASSOCIATIONS

38:10-1		38A:11-12
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#### CHAPTER 11. COMPENSATION FOR INJURIES

38:11-1	as am. L. 1941, c. 109, § 19	38A:13-1
38:11-2		38A:13-2
38:11-3		38A:13-3
38:11-4	as am. L. 1941, c. 109, § 20	38A:13-1
38:11-5	as am. L. 1941, c. 109, § 21	38A:13-1
38:11-6		38A:13-4
38:11-7		38A:13-4
38:11-8		38A:13-4
38:11-9		38A:13-5
38:11-10		38A:13-6
38:11-11		38A:13-7

#### CHAPTER 12. PRIVILEGES AND IMMUNITIES

38:12-1		38A:11-13
38:12-2	as am. L. 1941, c. 109, § 22	38A:4-7

R. S. 1937 N. J. S. A.	Subsequent Laws	Title 38A
38:12-3		38A:4-8
38:12-4	as am. L. 1941, c. 109, § 23	38A:4-4
38:12-5	as am. L. 1953, c. 82, § 1	38A:4-5
38:12-5.1	L. 1953, c. 82, § 2	Not enacted
38:12-6		38A:4-9
38:12-7		38A:4-10
38:12-8		38A:3-8
		38A:13-1

## CHAPTER 13. PROHIBITIONS AND PENALTIES

38:13-1		38A:14-1
38:13-2		38A:14-2
38:13-3	as am. L. 1941, c. 109, § 24	38A:14-3
38:13-4	as am. L. 1941, c. 109, § 25	38A:14-4
38:13-5	as am. L. 1941, c. 109, § 26	38A:14-5
38:13-6		38A:14-6
38:13-7		38A:14-7
38:13-8		38A:14-8
38:13-9		38A:14-9
38:13-10		38A:14-10
38:13-11		Not enacted

## CHAPTER 14. GENERAL PROVISIONS

38:14-1		38A:1-1
38:14-2		38A:1-6
38:14-3		Not enacted
38:14-4		Not enacted
38:14-5		38A:1-5
38:14-6	as am. L. 1941, c. 109, § 27	38A:6-3
	L. 1950, c. 239, § 28	

R. S. 1937 N. J. S. A.	Subsequent Laws	Title 38A
38:14-7		38A:5-4
38:14-8		38A:3-6
38:14-9		38A:4-12
38:14-10	Act Saved from Repeal:	Not enacted
	L. 1908, c. 237	Not enacted

#### CHAPTER 14A. MILITARY FORCES FRESH PURSUIT ACT

38:14A-1	L. 1941, c. 115, § 1	38A:16-1
38:14A-2	L. 1941, c. 115, § 2	38A:16-2
38:14A-3	L. 1941, c. 115, § 3	Not enacted
38:14A-4	L. 1941, c. 115, § 4	Not enacted
38:14A-5	L. 1941, c. 115, § 5	Not enacted

#### CHAPTER 14B. DEPARTMENT OF DEFENSE

38:14B-1	L. 1948, c. 82, § 1	38A:3-1
38:14B-2	L. 1948, c. 82, § 2	38A:3-1
38:14B-3	L. 1948, c. 82, § 3	38A:3-2
38:14B-4	L. 1948, c. 82, § 4	38A:3-3
38:14B-5	L. 1948, c. 82, § 5	38A:3-5
38:14B-6	L. 1948, c. 82, § 6	38A:3-6
38:14B-7	L. 1948, c. 82, § 7	
	L. 1954, c. 146, § 1	38A:3-6
38:14B-8	L. 1948, c. 82, § 8	Not enacted
38:14B-9	L. 1948, c. 82, § 9	Not enacted
38:14B-10	L. 1948, c. 82, § 10	Not enacted
38:14B-11	L. 1948, c. 82, § 11	Not enacted
38:14B-12	L. 1948, c. 82, § 12	Not enacted
38:14B-13	L. 1948, c. 82, § 13	Not enacted
38:14B-14	L. 1948, c. 82, § 14	Not enacted
38:14B-15	L. 1948, c. 82, § 15	Not enacted
38:14B-16	L. 1957, c. 122, § 1	Not enacted

## CHAPTER 14C. INTERSTATE COMMUNICATION FACILITIES

## EMERGENCY PROTECTION

R. S. 1937 N. J. S. A.	Subsequent Laws	Title 38A
38:14C-1	L. 1950, c. 68, § 1	38A:17-1
38:14C-2	L. 1950, c. 68, § 2	38A:17-2

## CHAPTER 14D. INTERSTATE COMPACT FOR MILITARY AID, ETC.

38:14D-1	L. 1951, c. 1, § 1	38A:18-1
38:14D-2	L. 1951, c. 1, § 2	38A:18-2
38:14D-3	L. 1951, c. 1, § 3	38A:18-3
38:14D-4	L. 1951, c. 1, § 4	38A:18-4
38:14D-5	L. 1951, c. 2, § 1	38A:20-2
38:14D-6	L. 1951, c. 2, § 2	38A:20-2
38:14D-7	L. 1951, c. 8, § 1	38A:20-3
38:14D-8	L. 1951, c. 8, § 2	38A:20-3
38:14D-9	L. 1951, c. 8, § 3	38A:20-3

## SUBTITLE 2. SOLDIERS, SAILORS AND MARINES

## CHAPTER 22. DISCRIMINATION

38:22-1		38A:14-3
38:22-2	L. 1949, c. 99	38A:14-4

## SUBTITLE 3. SERVICE MEDALS

## CHAPTER 26. SERVICE IN NATIONAL GUARD

## AND NAVAL MILITIA

38:26-1		38A:15-1
38:26-2		38:15-2
38:26-3		Not enacted

## CHAPTER 27. SERVICE IN VARIOUS WARS

38:27-1	Acts Saved from Repeal:	Not enacted
	L. 1924, c. 14, § 1, (1924	
	Supp. §§ 129-163b);	Not enacted

R. S. 1937 N. J. S. A.	Subsequent Laws	Title 38A
	L. 1883, J. R. 3, § 1;	Not enacted
	L. 1899, J. R. 2, § 1	Not enacted
	L. 1900, J. R. 1, § 1;	Not enacted
	L. 1901, J. R. 1, § 1;	Not enacted
	L. 1904, J. R. 10, § 1;	Not enacted
	L. 1908, J. R. 1, § 1;	Not enacted
	L. 1908, J. R. 10, § 1;	Not enacted
	L. 1909, J. R. 2, § 1;	Not enacted
	L. 1919, J. R. 8, § 1;	Not enacted
	L. 1919, J. R. 8, § 2.	Not enacted

#### SUBTITLE 4. INDUCTION INTO ARMED FORCES OF UNITED STATES

#### CHAPTER 28. INMATES OF PENAL AND CORRECTIONAL INSTITUTIONS

38:28-1	L. 1945, c. 54, § 1	Not enacted
38:28-2	L. 1945, c. 54, § 2	Not enacted

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#### STATEMENT

The purpose of this revision is to consolidate and modernize the provisions of Title 38 and to bring the law into closer conformity with Federal military law. The revision will re-enact most of the substantive law contained in Title 38 which deals with the armed forces. Subtitle 2 of Title 38 (chapters 15 and 25A inclusive) which deals with veterans has not been revised. A revision of this subtitle is now under consideration. The revision does repeal those sections in subtitle 2 which are no longer in effect.

The revision will make certain administrative changes which have been advocated by the department. Among the changes to be made, the following seem to be the most notable:

(1) The number of classes of militia will be reduced from 4 to 2 in order to conform with Federal law, 38A:1-2;

(2) The qualifications of the Chief of Staff, 38A:3-3, and the Deputy Chief of Staff, 38A:3-5, will be changed;

(3) The Governor will be given the authority to prescribe by regulation, pursuant to applicable Federal rules and regulations, the eligibility, qualification and administration of officers and enlisted members, 38A:4-1;

(4) Enlisted members will be able to retire after 10 years instead of 20 years, same as officers, 38A:4-11;

(5) Will add to the reasons for questioning the fitness of officers, the availability for active State or Federal service, 38A:5-6;

(6) Will add to the grounds for vacating commissions, the change of Federal reserve status which make the individual ineligible to continue in the organized militia, 38A:5-8;

(7) Will enable the Chief of Staff to fix, by regulations, subject to Federal law and regulation, the terms of enlistment, 38A:6-1, and will give the Governor the power to extend enlistments until 6 months after the termination of an emergency, 38A:6-4;

(8) Will define the jurisdiction of the State military courts, 38A:10-1 and 38A:10-2;

(9) Will permit the military to turn over to civil authorities military personnel charged with civil offenses, 38A:10-4; and

(10) Will repeal R. S. 38:28-1 and R. S. 38:28-2 which provide for the induction of inmates of penal and correctional institutions into the Armed Forces of the United States.



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TITLE 38A (ARMED FORCES)

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38A  
1961

C.3

February 1961

New Jersey, Department of Defense.  
Reviewed by the Counsel to the Governor

(Title page supplied by New Jersey State Library)

TITLE 38A  
ARMED FORCES

(h) "Military" means any part of or all of the armed forces.

(i) "Active Duty" means full-time duty in the active military service, other than active duty for training. State service is meant unless Federal service is specified.

(j) "Active Duty for Training" means full-time duty in the active military service for training purposes. State service is meant unless Federal service is specified.

(k) "Inactive Duty for Training" means duty performed by a member of the organized militia other than active duty or active duty for training.

(l) "Officer" means commissioned officer or warrant officer.

(m) "Grade" means a step or degree, in a graduated field of office or military rank, that is established and designated as a grade by law or regulation.

(n) "Rank" means the order of precedence among members of the armed forces.

(o) "Permanent Duty Status" means full-time employment of a member of the organized militia ordered to active duty by the Governor to serve in the Department of Defense.

(p) "Shall" is used in an imperative sense.

(q) "Will" is used in a permissive sense.

(r) "Regulations" means the rules and regulations on the governing and training of the militia.

(s) "Federal Service" means duty in the active service of the United States.

(t) "Armory" means any building or training installation utilized by the organized militia.

38A:1-2. Composition of Militia

The militia, except as hereinafter provided, shall consist of all able-bodied male citizens of this State and all other able-bodied male persons residing in this State who have made a legal declaration of intent to become citizens of the United States, who are at least seventeen years of age and, except as hereinafter provided, not more than forty-five years of age, and such other persons as may upon their own application be enlisted or commissioned therein in accordance with Federal or State law and regulations.

38A:1-3. Classes of Militia

The classes of the militia are:

(a) The Organized Militia, which consists of the National Guard, the Naval Militia and the State Guard; and

(b) The Unorganized Militia, which consists of the members of the militia who are not members of the organized militia.

38A:1-4. Exemptions from militia duty

The persons exempt from militia duty under Federal laws and regulations issued thereunder shall be exempt from militia duty in this State.

In addition, the following persons shall be exempt from militia duty in this State.

(a) The judicial and executive officers of any political subdivision of this State.

(b) Such other persons as may hereafter be specifically exempted by the laws of this State, or by order of the Governor.

38A:1-5. Persons who may administer oaths

For the purposes of military justice and administration the following persons may administer oaths unless otherwise provided:

(a) Such persons as are authorized to do so by Federal laws and regulations.

(b) Such persons as are authorized by State laws and regulations to administer oaths for all purposes.

38A:1-6. Federal Regulations to Govern

Federal laws and regulations, forms, precedents and usages relating to and governing the armed forces of the United States and the militia shall, insofar as the same are applicable and not inconsistent with the constitution of this State, apply to and govern the military forces of this State.

CHAPTER 2    COMMANDER - IN - CHIEF

38A:2-1. Governor to be Commander - In - Chief

The Governor, or other person administering the government, shall be the Commander - In - Chief of the Militia of this State, except as to any part thereof called or ordered into Federal service.

38A:2-2. Staff of Governor

The staff of the Governor shall consist of:

(a) Executive: The Chief of Staff of the State Department of Defense

(b) Personal: Such Aides as may be appointed or detailed by the Governor from among the officers of the organized militia, in a grade not higher than the one held in the organized militia or in Federal service, whose term of office, unless sooner terminated, shall expire with that of the Governor who shall have appointed or detailed them.

38A:2-3. Proclamation of martial law

Whenever the militia, or any part thereof, is employed in aid of civil authority, the Governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation, declare any county or municipality, or part thereof, in which the troops are serving to be subject to martial law.

38A:2-4. Militia ordered to active duty in certain cases

The Governor may, in case of insurrection, invasion, tumult, riot, breach of the peace, natural disaster, or imminent danger to public safety, order to active duty all or any part of the militia that he may deem necessary. He may maintain such forces on such active duty until the exigencies shall have passed.

38A:2-5. Call or order into Federal service

Whenever the militia, or any part thereof, is called or ordered into Federal service under Federal laws and regulations, the Governor shall order for such service the militia, or such part thereof as may be required. All persons so called or ordered shall, upon release from Federal service, under such Federal and State laws and regulations as may be prescribed, resume their membership in the militia. All enlisted members shall continue to serve in the organized militia until the dates upon which their enlistments entered into prior to the call or order would have expired if uninterrupted, except as otherwise may be proclaimed under section 38A:6-4 of this Title.

38A:2-6. Regulation by Governor

The Governor may prescribe regulations to carry out his functions and duties under this Title. Any such regulations which affect a Federally recognized component of the organized militia shall, however, conform to the Federal laws and regulations concerning the same.

CHAPTER 3. DEPARTMENT OF DEFENSE

38A:3-1. Status of Department

The Department of Defense shall be a principal department in the executive branch of the State Government.

38A:3-2. Composition of Department

The Department of Defense shall consist of:

- (a) The Chief of Staff;
- (b) The Deputy Chief of Staff;
- (c) Such officers of the organized militia, active or inactive, authorized by the Governor for duty therein;
- (d) Such clerks and employees as may be required, who may be detailed from the organized militia;
- (e) State headquarters for civil defense and disaster control organization;
- (f) State headquarters for Selective Service; and
- (g) The organized militia

38A:3-3. Chief of Staff

The head of the Department of Defense shall be The Chief of Staff who shall be appointed with the grade of Major General of the line, New Jersey Army National Guard or Major General, New Jersey Air National Guard by the Governor, with the advice and consent of the Senate, from

(a) Federally recognized general officers in the National Guard who have served therein for the preceding 10 years; or

(b) Federally recognized commissioned officers in the National Guard who have served therein for the preceding 10 years and are now serving in a military grade not below that of a Colonel, such officers having the qualifications to become Federally recognized as Brigadier General of the line, New Jersey Army National Guard, or Brigadier General, New Jersey Air National Guard.

38A:3-4. The Chief of Staff to be The Adjutant General

The Chief of Staff shall be The Adjutant General of the State as that title is used in Federal laws and regulations and elsewhere in the laws of this State and all such powers, functions and duties which are or may be imposed upon The Adjutant General of a State by Federal laws and regulations shall be exercised and performed by The Chief of Staff.

38A:3-5. The Deputy Chief of Staff

The Deputy Chief of Staff shall be appointed by the Governor upon the nomination of The Chief of Staff. The Deputy Chief of Staff shall be a person who has served as a commissioned officer in the armed forces of the State and who is a Federally recognized commissioned officer in a military rank not below that of Colonel. He may be appointed with the grade of Brigadier General. The duties of The Deputy Chief of Staff shall be prescribed by The Chief of Staff.

The Deputy Chief of Staff shall have the authority to act for and in place of The Chief of Staff during the absence or disability of The Chief of Staff. If the office of Chief of Staff shall become vacant, The Deputy Chief of Staff shall exercise the powers and perform the duties of The Chief of Staff until a successor shall have been appointed and shall have qualified.

Any vacancy occurring in the office of The Deputy Chief of Staff shall be filled in the same manner as the original appointment.

38A:3-6. Powers and duties of The Chief of Staff

Under the direction of the Governor, The Chief of Staff shall:

(a) Exercise control over the affairs of the Department of Defense, and in connection therewith make and issue such regulations governing the work of the Department of Defense and the conduct of its employees as may, in his judgment, be necessary or desirable.

(b) Be the request officer of the Department of Defense within the meaning of such term as defined in chapter 112 of the laws of 1944.

(c) Supervise, administer, coordinate and command State civil defense and disaster control activities.

(d) Command the organized militia of the State, with responsibility for the recruiting, mobilization, administration, training, discipline, equipping, supply and general efficiency thereof. He may issue such regulations and delegate such command functions as he shall deem necessary. The regulations so issued shall, insofar as possible, conform to the Federal laws and regulations concerning the same.

(e) Maintain the archives and be the custodian of the records and papers required, by laws or regulations, to be filed with the Department of Defense.

(f) Supervise, administer and coordinate those activities of the Selective Service System for which the Governor is responsible.

(g) Acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey all those parcels of land as shall be necessary for armories and other militia facilities, and supervise the design, construction, alteration, maintenance and repair of said property.

(h) Establish and maintain such headquarters as may be required for the militia.

(i) Exercise the powers vested in him and perform such other duties and functions as required of him by the Governor and by Federal and State laws and regulations.

38A:3-7. Rank and Precedence

The Chief of Staff shall take rank and precedence above all other officers of the militia.

38A:3-8. Personnel

There are authorized for employment in the Department of Defense the following classes of persons:

(a) Officers and enlisted members who are ordered to active duty on a permanent duty status with the pay and allowances of their grade and length of service in accordance with section 38A:4-3 of this Title.

(b) Classified civil service employees.

(c) Unclassified civil service employees who may be relieved, suspended or discharged for good cause. Such personnel shall be administered as far as practical under similar regulations as those applicable to classified civil service, but shall be subject to military discipline and control.

(d) Technicians paid from Federal funds. Such personnel shall be appointed by The Chief of Staff who shall determine their salaries and who may relieve, suspend or discharge such persons at any time for good cause.

All classes of persons listed above shall be considered as State employees with the same rights and privileges granted to other State employees.

38A:3-9. United States Property and Fiscal Officer

The Governor shall appoint, designate or detail, subject to Federal laws and regulations, an officer of the National Guard of this State to be the United States Property and Fiscal Officer for this State. All such powers, functions and duties which are or may be imposed upon the United States Property and Fiscal Officer of the State by Federal laws and regulations shall be exercised and performed by such officer.

38A:3-10. Fees for searching military records

The Chief of Staff may demand and receive, for the services herein enumerated, except for those in proof of pension, establishment of veteran status, exemption from jury duty, or in lieu of lost discharges, the following fees:

(a) For every search made in his office for the military record of any member or former member of the armed forces, the sum of one dollar.

(b) For the furnishing of every certified copy of such record, the sum of two dollars.

The Chief of Staff shall keep a true record and account of fees received under the provisions of this section and shall pay the same into the State Treasury in the manner prescribed by law.

38A:3-11. Official seal; acceptable evidence in court

The Chief of Staff shall have an appropriate seal and have affixed an impression of the same to all certificates of record issued from the Department of Defense. Copies of any books, records, papers and documents in the Department of Defense, certified by the Chief of Staff or other designated officer of the Department, under the seal of the Department of Defense, shall be admitted as evidence in any court of the State, either civil or military, with the same force and effect as if the original had been produced.

CHAPTER 4. PERSONNEL OF THE ORGANIZED MILITIA - GENERAL PROVISIONS

38A:4-1. Eligibility, Qualifications and Administration

Officers and enlisted members of the organized militia shall be commissioned, warranted or enlisted with such qualifications and administered under such regulations as the Governor may prescribe except as otherwise prescribed by applicable Federal laws or regulations or by this Title.

38A:4-2. Rank

Rank of officers and enlisted members of the organized militia shall be determined by the same methods as are prescribed by Federal laws and regulations for the respective armed forces of the United States.

38A:4-3. Pay and allowances

Any officer or enlisted member ordered to active duty by the Governor shall receive the pay and allowances prescribed by Federal laws and regulations for an officer or enlisted member of corresponding grade and length of service when on active duty in Federal service; provided, however, that said pay and allowances shall not be paid when pay and allowances for such duty shall be provided out of Federal funds. This provision shall not limit or restrict the applicability of 38A:4-4 to individuals detailed to the Department of Defense in a permanent duty status.

38A:4-4. Leave of absence for employees without loss of pay; additional to regular vacation

(a) All officials and employees of this State or of any board or commission of the State or of any county, school district or municipality who

are members of the organized militia shall be entitled to leave of absence from their respective duties without loss of pay or time on all days during which they shall be engaged in active duty, field training or other duty ordered by the Governor; provided, however, that the leaves of absence for active duty or active duty for training shall not exceed ninety days in the aggregate in any one year.

(b) Leave of absence for such military duty shall be in addition to the regular vacation allowed such officers and employees by the State, county or municipal law, ordinance, resolution, or regulation.

38A:4-5. Salary to equal loss suffered while on active duty in Federal Service

During the absence of any such official or employee mentioned in section 38A:4-4 of this title, on active duty in Federal service in excess of ninety days, such person shall receive such portion of his salary or compensation as will equal the loss he may suffer while on such active duty.

38A:4-6. Exemption from jury duty

Every officer and enlisted member of the organized militia, during his service therein, shall be exempt from jury duty.

38A:4-7. Exemption from process

No member of the organized militia shall be arrested on any warrant or other process, except for treason or a high misdemeanor, while going to, remaining at or during the performance of any duty of a military character or

returning from any place at which he may be required by competent authority to attend for military duty.

38A:4-8. Compensation exempt from legal process

The pay and allowances due or to become due to any member of the organized militia for military duty therein, and any compensation that may be awarded for injuries, disabilities or death sustained therein, shall be exempt from attachment, execution or other legal process.

38A:4-9. Relief from civil or criminal liability

Members of the organized militia ordered into the active service of the State by proper authority shall not be liable civilly or criminally for any acts done by them while engaged in the performance of their duty.

38A:4-10. Action against officers and enlisted members; security for costs

When an action or proceeding of any nature shall be commenced in any court against any member of the organized militia for any act done in his official capacity in the discharge of his duty, or for an alleged omission to do an act which it was his duty to perform, or against any member of the organized militia acting under proper authority for any act done in pursuance thereof, or by any warrant issued pursuant to law, the defendant in any such action or proceeding may require the person instituting or prosecuting the same to file security for the payment of costs in such amount and in such form as the judge of the court, in which such proceeding was instituted, may determine.

The defendant or defendants in any such action or proceeding shall be represented and defended by the Attorney General of the State at the expense of the State.

38A:4-11. Retirement; detail to active duty

(a) Any officer or enlisted member who shall have reached the age of sixty-four years shall be retired by the Governor. Any officer or enlisted members who shall have served at least ten years in the military forces of this State, or who must be separated because Federal recognition shall have been or is scheduled to be withdrawn or terminated under honorable conditions, upon application to the Governor, may be retired.

(b) The Governor may order retired officers or enlisted members to active duty, if they consent thereto.

In time of war or imminent danger thereof retired officers and enlisted members may be ordered by the Governor to perform any military duty assigned by him.

38A:4-12. Credit for war service

For all purposes, officers and enlisted members who entered the active service of the United States in time of war by appointment or enlistment, or under call, order or draft by the President, or who shall hereafter enter such service under like conditions, shall be entitled to credit for the time served in the active service of the United States, as if such service had been rendered to or for the State.

CHAPTER 5 OFFICERS

38A:5-1. Nominating, appointing and commissioning of officers

(a) The Governor shall nominate and appoint all general and flag officers of the militia, with the advice and consent of the Senate.

(b) All other officers of the militia shall be appointed and commissioned by the Governor upon recommendation of The Chief of Staff after due consideration to nominations of the commanders in the normal chain of command.

(c) No person shall assume the status or perform the duties of an officer until he shall have been duly appointed and announced in orders issued by The Chief of Staff.

(d) Officers shall be citizens of the United States, and unless otherwise prescribed by Federal law and regulation, shall be at least twenty-one years of age.

38A:5-2. Oath of office

Except when a comparable oath is subscribed to under Federal laws or regulations, every officer shall take and subscribe to the following oath of office:

"I ....., do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of New Jersey against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and of the Governor of the State of New Jersey; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ..... in the ..... upon which I am about to enter, so help me God."

38A:5-3. Acceptance of commission or warrant deemed resignation of other commissions or warrants

The acceptance of a commission or warrant in the militia shall be deemed a resignation by the person accepting the same of all other commissions or warrants held by him in the militia, provided, however, that acceptance of a commission in the State Guard in time of war or emergency shall not be so deemed a resignation.

The acceptance of a commission or warrant, or enlistment, in any of the armed forces of the United States, including the reserve components thereof, shall also be deemed a resignation by the person accepting the same or so enlisting of any commissions or warrants held in the militia, provided, however, that acceptance of temporary appointments while in Federal service or of a reserve commission in the same component as that in which serving in the militia shall not be so deemed a resignation.

38A:5-4. Acceptance of commission not to vacate civil office

Any citizen of this State may accept and hold a commission in the militia or in any reserve component of the armed forces of the United States, without thereby vacating any civil office or position held. The acceptance or holding of any such commission shall not constitute holding of an office of trust or profit under the government of this State or of the United States incompatible with the holding of any civil office or position under the government of this State.

38A:5-5. Uniforms and equipment

Officers shall provide themselves with the uniforms and equipment prescribed by applicable regulations.

38A:5-6. Examination as to fitness

The Governor, whenever he deems it to be for the good of the service, may order any officer to appear before a board of examination. The board of examination shall consist of three officers, senior in rank to the officer whose fitness for service is under examination, and such board shall be vested with the powers of courts of inquiry, to examine into the moral character, capacity, availability for active State or Federal service, and physical and professional fitness of such an officer. The board may recommend the retention of the officer being examined, the retirement because of physical inability to perform active service, or his discharge and the vacating of his commission or warrant. The findings of the board shall become effective upon approval by the Governor.

38A:5-7. Resignation of officers

An officer may resign his commission or warrant, but such resignation shall not become effective until it shall have been accepted by the Governor.

38A:5-8. Vacating commissions or warrants

The commission or warrant of an officer shall be vacated:

(a) Upon acceptance by the Governor of the resignation of such officer; or

(b) By an order of the Governor discharging such officer:

(1) For his failure to maintain his qualifications for Federal recognition; or

(2) For the termination or withdrawal of his Federal recognition where Federal recognition is a prerequisite for continued service; or

(3) For a change in Federal reserve status which makes him ineligible to continue assigned to a unit of the organized militia; or

(4) For his absence from duty without leave for more than three months; or

(5) Pursuant to the recommendation of a board of examination or the sentence of a court martial.

38A:5-9. Unassigned list

There shall be an unassigned list for officers. An officer may be included in the unassigned list:

(a) Pending acceptance of his resignation, or

(b) Pending his retirement as otherwise provided by this Title, or

(c) Pending withdrawal or termination of his Federal recognition, or

(d) Pending separation following unfavorable review of the recommendations or findings of a board of examination or a court martial.

CHAPTER 6. ENLISTED MEMBERS

38A:6-1. Terms of enlistment

Enlistments, reenlistments and extension of enlistments shall be for such periods as are prescribed by The Chief of Staff by regulations except as otherwise provided by applicable Federal laws or regulations for enlisted members required to have a Federal reserve status.

38A:6-2. Oath of enlistment

Except when a comparable oath of enlistment is subscribed to under Federal law or regulations, every person who enlists or re-enlists shall take and subscribe to the following oath of enlistment:

"I do hereby acknowledge to have voluntarily enlisted this ..... day of ..... in the ..... of the United States and of the State of New Jersey, for a period of ..... years, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of New Jersey, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the Governor of the State of New Jersey and of the officers appointed over me according to law."

38A:6-3. Who may administer oath of enlistment

Any commissioned officer of the organized militia or any commissioned officer of the armed forces of the United States detailed to duty with any component of the organized militia of this State, may administer the oath of enlistment to enlisted members.

38A:6-4. Extension of terms of service

If an emergency is declared by the President, Congress, the Governor or the Legislature, the Governor may by proclamation, in accordance with Federal and State laws and regulations, extend the enlistments of enlisted members of the organized militia until six months after the termination of that emergency.

## CHAPTER 7. NATIONAL GUARD

### 38A:7-1. Organizations and Units

The National Guard shall consist of those organizations and units which are or hereafter may be authorized by Federal law and the regulations issued thereunder for the National Guard. No change in branch, organization or allotment of a unit may be made without approval of the Governor.

### 38A:7-2. Use of designations

During the absence of any organization or unit of the National Guard in Federal service, its organization or unit designation shall not be given to or used by any other organization or unit.

### 38A:7-3. Administration, Discipline and Training

The administration, discipline and training of the National Guard shall conform to the applicable Federal and State laws and regulations.

### 38A:7-4. Federal recognition of officers and enlisted members

Subject to such exceptions as may be set forth in Federal laws and regulations, or as otherwise prescribed by this Title, all officers and enlisted members of the National Guard shall meet the qualifications for Federal recognition as officers or enlisted members of the National Guard and be so recognized.

### 38A:4-5. Inactive National Guard

There may be an Inactive National Guard consisting of officers and

enlisted members. The composition, purposes and general regulations governing the same shall be in accordance with Federal laws and regulations.

## CHAPTER 8. NAVAL MILITIA

### 38A:8-1. Organization and composition

The Naval Militia may be organized, maintained and disbanded at the discretion of the Governor under applicable Federal laws and regulations. The Naval Militia shall consist of such organizations and units of the Naval Reserve of the United States as may be prescribed by the Governor and shall be composed of officers and enlisted men who meet the qualifications for membership in such Naval Reserve and are so enrolled therein.

### 38A:8-2. Administration, discipline and training

The administration, discipline and training of the Naval Militia shall conform to applicable Federal or State laws and regulations.

### 38A:8-3. Inactive Naval Militia

There may be an Inactive Naval Militia consisting of officers and enlisted members. Regulations governing the same will be as prescribed by the Governor.

## CHAPTER 9. STATE GUARD

### 38A:9-1. Organization and Composition

The State Guard may be organized, maintained and disbanded at the discretion of the Governor at any time when additional defense forces are required and such action is not prohibited by Federal and State laws and regulations. Such forces shall be composed of officers commissioned or warranted therein or assigned thereto, and such able-bodied citizens of the State as shall volunteer for service therein, supplemented, if necessary, by men of the unorganized militia enrolled by draft or otherwise as provided by law or regulation.

### 38A:9-2. Governor may prescribe regulations

The State Guard shall be organized, armed, equipped, maintained, disciplined, governed, administered and trained under such regulations as the Governor may prescribe, which shall conform, insofar as practicable, with applicable Federal laws and regulations.

### 38A:9-3. Use of armories and equipment

The Governor may make available to the State Guard the facilities of the State armories and their equipment and such other State premises and property as may be available, and he may requisition from the Federal government for the use of the State Guard, arms, ammunition, clothing, equipment and other items in accordance with Federal laws and regulations. The governing body of every county, municipality, board, commission or district, including school districts, may make available to the State Guard any premises, facilities, equipment or other property belonging to, or in the possession or control of, any such body, municipality, board, body, commission or district.

## CHAPTER 10. MILITARY JUSTICE

### 38A:10-1. Persons subject

All members of the organized militia, and all other persons lawfully called, ordered or drafted for duty in the organized militia from the dates they are required by the terms of the call, order or other directive to obey the same, are subject to this chapter.

### 38A:10-2. Territorial applicability

(a) This chapter shall be applicable in all places within the State. It shall also apply to all persons subject to this chapter while serving without the State and while going to and returning from such service without the State in a like manner and to the same extent as while such persons are serving within the State.

(b) Courts-Martial and Courts of Inquiry may be convened and held in units of the organized militia while serving without the State with the same jurisdiction and powers as if held within the State, and offenses committed without the State may be tried and punished either without the State or within the State.

### 38A:10-3. Courts-composition, jurisdiction, powers and procedures

The military courts for the militia of this State shall be constituted like similar courts of the Armed Forces of the United States. They shall have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures, provided for those courts. The convening authority for such military courts and maximum punishments authorized shall be as

prescribed by Federal and State laws and regulations applicable to the National Guard; provided, however, that special courts-martial may be convened only with the approval of The Chief of Staff, Department of Defense.

38A:10-4. Trial by civil authority; when authorized

In any case when the offense charged is also an offense against civil authority, the convening authority of a court-martial may, upon request of the civil authorities, order the person charged to be turned over to the appropriate civil authorities of such State, territory or place for trial.

38A:10-5. Persons authorized to execute process

All processes, writs, warrants and sentences of the military courts shall be directed to and executed by any sheriff, member of the state police or any other officer or member of the police department of any municipality, or any other law enforcement officer of any county or municipality. They shall be similar in form to like processes, writs, or warrants issued by civil courts, or in such forms as may be prescribed by the Governor in regulations. All officers to whom such process, writ or warrant may be directed shall execute the same and make return thereof to the officer issuing them.

38A:10-6. Confinement of persons committed by military court

The keepers and wardens of all municipal or county jails shall receive the persons committed to them by a military court, and shall confine them in accordance with the direction of such court and according to law.

38A:10-7. Payment of fines; disposition

Fines shall be paid to the court imposing them, to the civil officer executing its process, or to the commanding officer of the organization of which the accused is a member. All fines imposed and collected from enlisted members by reason of the sentence of any court-martial, except such as may

be payable to the United States, shall be paid into the organization fund of which the enlisted person is a member, and shall be accounted for in the same manner as other funds of such organization.

38A:10-8. Indemnity for action of military court

No action or proceedings for damages shall be prosecuted or maintained against a member of a military court, or persons acting under its authority or reviewing its proceedings on account of the approval, or imposition or collection of any fine or other penalty, or the execution of any warrant, writ or other process of a military court.

38A:10-9. Reporter and witness fees

Any witness subpoenaed to appear before any military court shall receive the same fees as are provided by law for witnesses appearing in a civil court. The reporter of any court shall be paid for stenographic services the same fees as are provided by law for similar services in civil courts.

38A:10-10. Fees of civil officers; costs; records

Fees for services of civil officers shall be the same as provided by law for services in civil courts. Costs will be levied and disbursed by the court. Records of all fines and disbursements shall be kept in the headquarters of the organization concerned.

## CHAPTER 11. FUNDS AND PERSONAL PROPERTY

### 38A:11-1. Funds of disbanded organizations

The Chief of Staff shall secure and hold in custody the funds of disbanded organizations after settling such necessary obligations as may be presented for payment within six months after such disbandment. Whenever any disbanded organization shall be replaced within a year, the moneys shall be transferred by The Chief of Staff to the new organization. If no new organization be organized within such year, the funds may be expended in such manner as he deems best.

### 38A:11-2. Bonds of officers responsible for funds and public property

Any officers to whom military property of the United States or of this State is issued or to whom public money is paid or who holds and disburses any military funds, shall be required to give bond with surety conditioned faithfully to perform the duties of his office and to account properly for all property, moneys or funds received and disbursed by him. Such bonds shall be in amount, form and with surety satisfactory to The Chief of Staff and filed in his office. The premium thereon shall be paid by the State.

### 38A:11-3. Financial and personal responsibility

Every officer and enlisted member to whom public property has been or may hereafter be issued shall be financially and personally responsible to the State or to the United States, as their interest may appear, for its good condition, safe-keeping and return when called upon by the competent authority.

38A:11-4. Liability for lost or destroyed property

In case of the loss, damage or destruction of such property, the person to whom the same has been issued shall not be relieved from liability unless it is shown to the satisfaction of the Governor, or of the Secretary of the Federal Service involved, or the authorized agent of either that the said loss, damage or destruction was unavoidable and not the fault of the person responsible for the property.

38A:11-5. Value of lost or destroyed property chargeable to person at fault

Except as otherwise provided in this chapter the value of the property lost, damaged or destroyed shall be charged against the person at fault. Such person shall pay upon demand the value of such property to the Treasurer of the State of New Jersey or the Treasurer of the United States as may be determined by the evidence furnished.

38A:11-6. Determination of value of lost or destroyed property and person chargeable therewith

The value of the lost, damaged or destroyed property, and the person to be charged with the value thereof, shall be determined by a surveying officer appointed by the Governor or the Secretary of the Federal service involved, who shall file a report of his findings and recommendations through proper channels, for administrative action.

38A:11-7. Recovery of moneys due for lost or destroyed property

If any person at fault, or his surety, shall fail to pay the full value of the lost, damaged or destroyed property, the amount due may be deducted

from any pay or allowances due or to become due to such person or it may be recovered by the methods prescribed by law for the recovery of moneys due the State or Federal government in a civil court.

38A:11-8. Action before county court

Any officer of the militia charged with the care and responsibility of public property may bring an action in the county court against any resident of the county who detains any arm, article of clothing or equipment, or any military supplies, being the property of the United States or of this State. The court may proceed in the action in a summary manner or otherwise, with a jury if a jury be demanded by the defendant. The court may require the defendant to deliver up such property to the plaintiff.

38A:11-9. Seizure of military property

Any officer of the militia charged with the care or custody of property of any organization of the militia may seize and hold any uniforms, arms, equipment or other military property of the Federal government or of this State.

38A:11-10. Issuance of warrant

Any municipal court or other court of competent jurisdiction, on complaint made by any officer of the militia charged with the care or custody of any military property, that any such military property is unlawfully withheld from him by any person within the jurisdiction of such court, and that the same is believed to be in a particular place specified in the complaint, shall issue to any sheriff, constable, police officer or member of the State police.

38A:11-11. Delivery of property

On finding such property, the court issuing such warrant shall order the property to be delivered to the officer making the complaint.

38A:11-12. Loan of equipage and stores to veterans organizations

When any lawfully organized association of veterans of any war from this State shall apply to The Chief of Staff for the temporary loan of camp and garrison equipage, ordnance or other military stores, for any purpose not in conflict with or in violation of the laws of this State, or the United States, The Chief of Staff shall examine into such application, and upon finding it a just and proper request may order and authorize the issuance of such stores.

The applicants shall be required to furnish good and sufficient bonds for the value of the stores issued. Such bonds shall first be approved by The Chief of Staff and remain on file in the office of The Chief of Staff.

38A:11-13. Military property exempt from process of law

The uniforms, arms and equipment, and other military property of the United States or this State shall be exempt from every process of law, except as otherwise provided in the chapter.

38A:11-14. Sale of military property

Unserviceable, unsuitable or surplus military property may, after a proper survey, be sold under such terms and regulations as may be prescribed by The Chief of Staff. Moneys derived from such sales shall be deposited as received with the State Treasurer and maintained by him in a separate account. Moneys credited to such an account shall be appropriated and used for the repair, replacement, improvement and maintenance of military property.

CHAPTER 12. ARMORIES

38A:12-1. Lease or acquisition of real property for armories and other military facilities

The Chief of Staff is authorized to lease or acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey such real property as shall be necessary for the purpose of armories or other military facilities.

No real property leased by this State or the United States for armories or other military facilities shall be subject to condemnation proceedings without first obtaining the approval of the Governor.

38A:12-2. Lease or conveyance of real property by a county or municipality

Whenever the title to any real property required for an armory or other military facility is vested in a county or municipality, such county or municipality may convey or lease, with or without consideration, such real property to this State.

38A:12-3. Construction, repair and alteration of armories and other military facilities

The Chief of Staff shall, in compliance with the provisions of Chapter 48 of the Laws of 1954, supervise the construction, repair and alterations of armories and other military facilities.

38A:12-4. Cost of Construction

The Chief of Staff, on behalf of the State is authorized to make application for, and accept from, the Federal Government, or any agency thereof, a

grant of money to pay part, or all of the cost of constructing armories or other military facilities.

There shall be appropriated to the State Department of Defense from time to time, such sums as may be necessary to meet the State's share, or the entire cost of such construction, when included in any annual or supplemental appropriation act.

38A:12-5. Use of armories and other military facilities for non-military purposes

The Chief of Staff may lease, rent or permit the use of any armory or other military facility, or any part thereof, for non-military purposes, under such restrictions and for such compensation, if any, as he may by regulations prescribe.

38A:12-6. Sale of buildings and real property to counties, municipalities or others

When any buildings and real property have been declared by The Chief of Staff to be surplus or unsuitable for military purposes and their sale has been authorized by the Governor, The Chief of Staff, on behalf of the State, is authorized to convey such buildings and real property to the county or municipality in which the same are situate, or to other purchasers, at such price and upon such terms and conditions as shall be approved by the State House Commission.

Furthermore, if it will not interfere with or impair military activities, The Chief of Staff, on behalf of the State, may convey an easement to the county or municipality in which the land is situated or to a public utility company organized under Title 48 of the Revised Statutes at such price and upon such terms and conditions as shall be approved by the State House Commission.

38A:12-7. Use of proceeds

The proceeds of any sale made pursuant to Section 38A:12-6 of this Title shall be deposited as received with the State Treasurer and maintained by him in a separate account. Moneys credited to such an account shall be appropriated and used for the purchase of real property or for the construction, alteration or renovation of buildings for the use of the militia.

38A:12-8. Purchase by county or municipality authorized

The board of chosen freeholders of any county or governing body of any municipality may purchase any building and grounds referred to in Section 38A:12-6 at the price and upon the terms and conditions so fixed.

## CHAPTER 13. COMPENSATION FOR INJURIES

### 38A:13-1. Medical Care and Compensation

A member of the organized militia who incurs an injury, disease or disability in the performance of duty ordered by competent authority, and such injury, disease or disability is determined to be in line of duty and the claim is approved by The Chief of Staff, shall be entitled to medical care and to receive the same compensation for temporary or permanent disabilities as is provided in article 2 of chapter 15 of Title 34. In the event such member incurs death under the same conditions, the dependent members of the family of the deceased, if any, shall be entitled to compensation as provided in article 2 of chapter 15 of Title 34.

As used in this chapter "in line of duty" means that the injury, disease, disability or death has been sustained in the discharge of duty and is not due to any voluntary act or traceable to willful neglect, fault or his own vicious habits.

### 38A:13-2. Basis of compensation

The earnings of the member in his civilian vocation shall be the basis for such compensation, but the basis shall not be less than the pay such person was earning as an active member of the militia.

### 38A:13-3. Claimant subject to examination

The Chief of Staff may order an examination of a claimant to be made from time to time by a medical officer or officers or physician designated for that purpose. The Chief of Staff may direct the removal of the claimant to a hospital for treatment on recommendation of the medical officer or physician. If the claimant refuses to permit such examination or to go to such hospital or to follow the advice given or treatment prescribed for him

therein, he shall be barred from all right to any claim or allowance under this chapter.

38A:13-4. Board to consider claim

The Chief of Staff may appoint a board of officers to inquire into the merits of any claim under this chapter. Such board shall have the same power as is possessed by presidents of courts-martial to take evidence, administer oaths, issue subpoenas, compel witnesses to attend and testify, and produce books and papers and to punish their failure to do so. The reports and findings of the board are subject to approval or disapproval of The Chief of Staff.

38A:13-5. Payment of claims

The amount found by The Chief of Staff to be due a member or his dependent family shall be paid by the State in the same manner as other State payments are made.

38A:13-6. Limitation on claims

A claim shall not be allowed unless it is presented to The Chief of Staff within two years from the date of the injury, disease, disability or death. A claim which has been adjudicated or modified may be reopened at any time by The Chief of Staff on the ground that the incapacitation has subsequently increased or decreased.

38A:13-7. Rehearing

Upon application of any claimant made within six months of the notification to such claimant or his attorney of the determination, The Chief of

Staff may reopen a claim and may appoint another board, as provided in 38A:13-4 to consider said claim. Such board shall make its report to The Chief of Staff in the same manner as the original board and may use the testimony taken before the original board or take additional testimony.

CHAPTER 14 PROHIBITIONS AND PENALTIES

38A:14-1. Right of way while performing military duty

The commanding officer of any organization or unit of the organized militia parading or performing any military duty in any street or highway may require all persons on such street or highway to yield the right of way to such troops. Motor vehicles traveling in military convey, shall be accorded the right of way on all streets and highways of this State.

The exercise of the rights of way provided for in this section shall not interfere with the carriage of the United States mail, with the progress of ambulance, or the legitimate functions of the police and fire departments.

Any person who violates this section shall be guilty of a misdemeanor.

38A:14-2. Unlawful sale or detention of military property

Any person who shall secrete, sell, dispose of, offer for sale, purchase, retain after demand made by an officer or in any manner pledge or pawn any arms, equipment or other military property issued by the United States or this State for use of the militia, shall be guilty of a misdemeanor.

38A:14-3. Discrimination against uniform

Any person who shall exclude a person lawfully wearing a uniform of the militia from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers or by owners, managers or lessees of theatres or other places of amusement, resort, or public accommodation because of that uniform, shall be guilty of a misdemeanor.

38A:14-4. Depriving members of the organized militia of employment

Any person who, either by himself or with another, willfully deprives a member of the organized militia of his employment or prevents his being employed by himself or another, or obstructs or annoys such member in his employ in respect to his trade, business or employment because he is a member of the organized militia or is performing or about to perform some duty in connection therewith or dissuades any person from enlistment therein by threat or injury to him in respect to his business, employment or trade, in case he shall enlist, shall be guilty of a misdemeanor.

38A:14-5. Unlawful wearing of uniform

Any person who shall wear the uniform or insignia similar to those issued or authorized for use by the organized militia and who is not a member of the organized militia, except such members of organizations specifically authorized so to do by Federal and State laws and regulations, shall be guilty of a misdemeanor.

38A:14-6. Trespass upon or destruction or damage of militia property

Any person who willfully trespasses upon any camp or parade ground, rifle range, armory or property lawfully used by or in connection with the militia, or any part thereof, or injures any property situated thereon, or willfully violates thereon any regulations established to maintain order, preserve property or prevent accidents upon such property, or removes, mutilates or destroys any such property shall be guilty of a misdemeanor.

38A:14-7. Trespassers and disturbers may be placed in arrest

The commanding officer upon any occasion of duty may place in arrest during the continuance thereof, any person who shall trespass upon a camp or parade ground, armory, arsenal, rifle range, or any other place devoted to or used for military purposes or shall in any manner interrupt or molest or disturb the orderly discharge of duty by those under arms, or shall disturb or prevent the passage of troops going to or returning from any duty.

38A:14-8. Assault on troops

Any person who assaults, fires at, throws missile at, against, or upon any uniformed member or members of the militia or other person lawfully aiding such member or members, when assembling or assembled for the purpose of performing any military duty, shall be guilty of a misdemeanor.

38A:14-9. Interference or failure to respond to order or call

Any person who willfully interferes with the execution of any order or call for troops made by the Governor, and any person ordered or called, who does not appear at the time and place designated within twenty-four hours of such time, or who does not produce a sworn certificate from a physician of physical disability indicating inability to respond as aforesaid shall be deemed guilty of a misdemeanor.

38A:14-10. Gambling, auction sales and huckstery prohibited

The commanding officer may prohibit and prevent all gambling, auction sales and the peddling of all kinds of merchandise within the limits of the post, camp ground, or place of encampment.

## CHAPTER 15. SERVICE MEDALS

### 38A:15-1 Faithful service medals

There may be issued to officers and enlisted members after at least ten years active and faithful service in the organized militia an appropriate medal, and for each and every five years of subsequent active and faithful service a suitable numeral therefor, under such regulations as the Governor may prescribe.

### 38A:15-2 Distinguished service medals

The Governor may present in the name of the State of New Jersey a distinguished service medal of appropriate design, and ribbon to be worn in lieu thereof, to any member of the organized militia who, while serving in any capacity in the organized militia under orders of the Governor, or while in Federal service, shall distinguish himself by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or by appropriate Federal authority.

### 38A:15-3 War Service Medals

The Chief of Staff may procure and issue such service medals, ribbons, clasps, or similar devices as are authorized by the Legislature to be awarded to residents of the State of New Jersey who served on active duty in time of war or emergency.

CHAPTER 16. MILITARY FORCES FRESH PURSUIT ACT

38A:16-1. Use without this State

The military forces of this State, when not in Federal service, shall not be required to serve outside the boundaries of this State except:

(a) Upon the request of the Governor of another State, the Governor of this State may, in his discretion, order any portion or all of such forces to assist the military, naval or police forces of such other State who are actually engaged in defending such other State. Such forces may be recalled by the Governor at his discretion.

(b) Any organization, unit, detachment or member of such forces, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this State into another State until they are apprehended or captured by such organization, unit, detachment or member or until the military, naval or police forces of the other State or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons; provided, such other State shall have given authority by law for such pursuit by such forces of this State. Any such person who shall be apprehended or captured in such other State by an organization, unit, detachment or member of the forces of this State shall without unnecessary delay be surrendered to the military, naval or police forces of the State in which he is taken or to the United States, but such surrender shall not constitute a waiver by this State of its right to extradite or prosecute such person for any crime committed in this State.

38A:16-2. Permission to forces of other states

Any military or naval forces or any organization, unit, detachment or member thereof of another State who are in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this State until the military or police forces of this State or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons and are hereby authorized to arrest or capture such persons within this State while in fresh pursuit. Any such person who shall be captured or arrested by the military or naval forces of such other State while in this State shall without unnecessary delay be surrendered to the military or police forces of this State to be dealt with according to law. This section shall not be construed so as to make unlawful any arrest in this State which would otherwise be lawful, and nothing contained in this section shall be deemed to repeal any of the provisions of the Uniform Act on Interstate Fresh Pursuit of Criminals, chapter 156 of Title 2A of the Revised Statutes.

CHAPTER 17. INTERSTATE COMMUNICATION FACILITIES EMERGENCY PROTECTION

38A:17-1. Agreements with governors of bordering states for protection of communication facilities

The Governor is authorized from time to time to enter into agreements with the Governors of any States bordering on New Jersey for the protection in the event of emergency of any or all interstate bridges, tunnels, ferries and other communications facilities between New Jersey and such other States and by such agreements to fix and define the powers, duties, liabilities and immunities of the armed forces of New Jersey and of such other States with respect to the protection of such bridges, tunnels, ferries and other communications facilities.

38A:17-2. "Emergency" defined

As used in this chapter the term "emergency" shall mean and include any disaster resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquake or other natural causes.

CHAPTER 18. INTERSTATE COMPACTS FOR MILITARY AID

38A:18-1. "Emergency" defined

As used in this chapter the term "emergency" shall mean and include invasion or other hostile action, disaster, insurrection or imminent danger thereof.

38A:18-2. Authority of Governor

With the prior or subsequent consent of the Congress of the United States, the Governor, on behalf of this State, is authorized to enter into, amend, supplement and implement agreements or compacts with the executive authorities of other States, providing for mutual military aid, and matters incidental thereto, in an emergency.

38A:18-3. Subject matter of agreements or compacts with other states

Such agreements or compacts may include but shall not be limited to provisions for joint military action against a common enemy; for the protection of bridges, tunnels, ferries, pipelines, communication facilities and other vital installations, plants and facilities; for the military support of civil defense agencies; for the fresh pursuit, by the organized militia or military forces or any part thereof of a signatory State into the jurisdiction of any other signatory State, of persons acting or appearing to act in the interest of an enemy government or seeking or appearing to seek to overthrow the government of the United States or of any signatory State; for the powers, duties, rights, privileges and immunities of the members of the organized militia or military forces of any signatory State while so engaged outside their own jurisdiction; for such other matters as are of a military nature, or incidental thereto, and which the

Governor may deem necessary or proper to promote the health, safety and welfare of the people of this State; for the allocation of all costs and expenses arising from the planning and operation of such agreements or compacts.

38A:18-4. Governor's power to enter into interstate compacts not limited by act

Nothing contained in this chapter shall be construed as limiting, directly or indirectly, the power of the Governor to enter into interstate compacts or other agreements relating to mutual military aid and assistance in an emergency or impairing in any respect the force and effect thereof.

38A:18-5. Interstate compact for mutual military aid in emergency

The State of New Jersey does hereby agree to approve, and enter into a solemn compact with the State of New York (upon that State concurring therein, or otherwise approving thereof, by appropriate legislation) and with such other States as likewise concur therein or otherwise approve thereof, in form and terms as heretofore agreed to by the Governor of the State of New Jersey and the Governor of the State of New York, as follows:

AN INTERSTATE COMPACT FOR MUTUAL MILITARY AID IN AN EMERGENCY

ARTICLE I

(1) The purposes of this compact are:

(a) to provide for mutual military aid and assistance in an emergency by the military forces of a signatory State to the military forces of the other signatory States or of the United States, including among other military missions, the protection of interstate bridges, tunnels, ferries, pipe lines, communications facilities and other vital installations, plants and facilities; and the military support of civil defense agencies;

(b) to provide for the fresh pursuit in case of an emergency, by the military forces or any part or member thereof of a signatory State into another State, of insurrectionists, saboteurs, enemies or enemy forces or persons seeking or appearing to seek to overthrow the government of the United States or of a signatory State;

(c) to make provision for the powers, duties, rights, privileges and immunities of the members of the military forces of a signatory State while so engaged outside of their own State.

(2) (a) "Emergency" as used in this compact shall mean and include invasion or other hostile action, disaster, insurrection or imminent danger thereof.

(b) "State" as used in this compact shall include any signatory State.

(c) "Military forces" as used in this compact shall include the organized militia, or any force thereof, of a signatory State.

## ARTICLE II

This compact shall become effective as to the signatory States when the Legislatures thereof have approved it and when the Congress has given its consent either before or after the date hereof. Any State not a party to this compact at the date hereof may become a party hereto.

## ARTICLE III

The Governor of each signatory State or his designated military representative shall constitute the Committee for Mutual Military Aid for the signatory States. It shall be the duty of the Committee for Mutual Military Aid to make joint plans for the employment of the military forces of the signatory States for mutual military aid and assistance in case of emergency.

#### ARTICLE IV

(1) It shall be the duty of each signatory State to integrate its plan for the employment of its military forces in case of emergency with the joint plans recommended by the Committee for Mutual Military Aid and with the emergency plans of the armed forces of the United States.

(2) In case of emergency, upon the request of the Governor of a signatory State, the Governor of each signatory State, to the extent consistent with the needs of his own State, shall order its military forces or such part thereof as he, in his discretion, may find necessary, to assist the military forces of the requesting State in order to carry out the purposes set forth in this compact. In such case, it shall be the duty of the Governor of each signatory State receiving such a request to issue the necessary orders for such use of the military forces of his State without the borders of his State and to direct the commander of such forces to place them under the operational control of the commander of the forces of the requesting State or of the United States which may be engaged in meeting the emergency.

(3) The Governor of any signatory State, in his discretion, may recall the military forces of his State serving without its borders or any part or any member of such forces.

#### ARTICLE V

In case of an emergency, any unit or member of the military forces of a signatory State which has been ordered into active service by the Governor may upon order of the officer in immediate command thereof continue beyond the borders of his own State into another signatory State in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces or persons seeking or appearing to seek to overthrow the government of the United States or of

any one of the signatory States, until they are apprehended by such unit or member. Any such person who shall be apprehended or captured in a signatory State by a unit or member of the military forces of another signatory State shall without unnecessary delay be surrendered to the military or police forces of the State in which he is taken or to the forces of the United States. Such surrender shall not constitute a waiver by the State of the military forces making the capture, of its right to extradite or prosecute such persons for any crime committed in that State.

#### ARTICLE VI

(1) Whenever the military forces or any part thereof of any signatory State are engaged outside of their own State in carrying out the purposes of this compact, the individual members of such military forces so engaged shall not be liable, civilly or criminally, for any act or acts done by them in the performance of their duty.

(2) The individual members of such forces shall have the same powers, duties, rights, privileges and immunities as the members of the military forces of the State in which they are engaged, but in any event,

(3) Each signatory State shall save harmless any member of its military forces wherever serving and any member of the military forces of any other signatory State serving within its borders for any act or acts done by them in the performance of their duty while engaged in carrying out the purposes of this compact.

#### ARTICLE VII

(1) Each signatory State shall provide, in the same amounts and manner as if they were on duty within their own State, for the pay and allowances of the personnel of its military forces, and for the medical and hospital

expenses, disability and death benefits, pensions and funeral expenses of wounded, injured or sick personnel and of dependents or representatives of deceased personnel of its military forces, in case such personnel shall suffer wounds, injuries, disease, disability or death while engaged without the State pursuant to this compact and while going to and returning from such other signatory State. Each signatory State shall provide in the same amounts and manner as if they were on duty within their own State for the logistical support and for other costs and expenses of its military forces while engaged without the State pursuant to this compact and while going to and returning from such other signatory State.

(2) Any signatory State rendering outside aid in case of insurrection or disaster not the result of invasion or hostile action, shall, if it so elects be reimbursed by the signatory State receiving such aid for the pay and allowances of its personnel, logistical support and all other costs and expenses referred to in section one of this article and incurred in connection with the request for aid. Such election shall be exercised by the Governor of the aiding State presenting a statement and request for reimbursement of such costs and expenses to the Governor of the requesting State.

#### ARTICLE VIII

Nothing in this compact shall be construed to limit or restrict the power of any signatory State in case of an emergency affecting that State only, to provide for the internal defense of any part of the territory of said State or for the protection and control of any bridge, tunnel, ferry, installation, plant or facility or any part thereof within the borders of such State or to prohibit the enforcement of any laws, rules and regulations or the execution of any plan with regard thereto.

ARTICLE IX

This compact shall continue in force and remain binding on each signatory State until the Legislature or the Governor of such State gives notice of withdrawal therefrom. Such notice of withdrawal shall not be effective until six months after said notice has been given to the Governor of each of the other signatory States.

In Witness Whereof, the States whose Governors have signed below have become parties to this compact.

12 December 1950

[SEAL]

THOMAS E. DEWEY (Signed)

Governor of New York

Attest:

THOMAS J. CURRAN (Signed)  
Secretary of State of the  
State of New York

[SEAL]

ALFRED E. DRISCOLL (Signed)

Governor of New Jersey

By the Governor

LLOYD B. MARSH (Signed)  
Secretary of State of the  
State of New Jersey

38A:18-6. Governor's power to enter into Interstate compacts not limited by act

Nothing contained in this chapter shall be construed as limiting, directly or indirectly, the power of the Governor to enter into interstate compacts or other agreements relating to mutual military aid and assistance in an emergency or impairing in any respect the force and effect thereof.

38A:18-7. Interstate civil defense and disaster compact

The Legislature of this State hereby ratifies a compact on behalf of the State of New Jersey with any other State legally joining therein in the form substantially as follows:

## INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree;

### ARTICLE I

The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the Civil Defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

### ARTICLE II

It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

### ARTICLE III

Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided, that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the

receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

#### ARTICLE IV

Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

#### ARTICLE V

No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

#### ARTICLE VI

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or

States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

#### ARTICLE VII

Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

#### ARTICLE VIII

Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further, that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such

aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

#### ARTICLE IX

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

#### ARTICLE X

This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or State thereof.

#### ARTICLE XI

The committee established pursuant to Article I of this compact may request the Civil Defense Agency of the United States Government to act as an informational and co-ordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

#### ARTICLE XII

This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

#### ARTICLE XIII

This compact shall continue in force and remain binding on each party State until the Legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until thirty days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

#### ARTICLE XIV

This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held

invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

5. The following sections, chapters and acts, together with all amendments and supplements thereto, are hereby repealed:

Chapter 1 of Title 38 of the Revised Statutes;  
Chapter 2 of Title 38 of the Revised Statutes;  
Chapter 3 of Title 38 of the Revised Statutes;  
Chapter 4 of Title 38 of the Revised Statutes;  
Chapter 5 of Title 38 of the Revised Statutes;  
Chapter 7 of Title 38 of the Revised Statutes;  
Chapter 8 of Title 38 of the Revised Statutes;  
Chapter 9 of Title 38 of the Revised Statutes;  
Chapter 10 of Title 38 of the Revised Statutes;  
Chapter 11 of Title 38 of the Revised Statutes;  
Chapter 12 of Title 38 of the Revised Statutes;  
Chapter 13 of Title 38 of the Revised Statutes;  
Chapter 14 of Title 38 of the Revised Statutes;  
Chapter 15 of Title 38 of the Revised Statutes;  
Chapter 19 of Title 38 of the Revised Statutes;  
Chapter 22 of Title 38 of the Revised Statutes;  
Chapter 26 of Title 38 of the Revised Statutes;  
Chapter 27 of Title 38 of the Revised Statutes;  
Laws of 1878, Chapter 135  
Laws of 1883, Joint Resolution No. III  
Laws of 1888, Chapter 182  
Laws of 1894, Chapter 184  
Laws of 1899, Chapter 75  
Laws of 1899, Joint Resolution No. 2

Laws of 1900, Joint Resolution No. 1  
Laws of 1901, Joint Resolution No. 1  
Laws of 1904, Joint Resolution No. 10  
Laws of 1906, Chapter 153  
Laws of 1908, Chapter 134  
Laws of 1908, Chapter 237  
Laws of 1908, Joint Resolution No. 1  
Laws of 1908, Joint Resolution No. 10  
Laws of 1909, Joint Resolution No. 2  
Laws of 1911, Chapter 253  
Laws of 1913, Chapter 266  
Laws of 1915, Chapter 200  
Laws of 1919, Joint Resolution No. 8  
Laws of 1920, Chapter 159  
Laws of 1922, Chapter 21  
Laws of 1924, Chapter 14  
Laws of 1929, Chapter 337  
Laws of 1934, Chapter 181  
Laws of 1935, Chapter 17  
Laws of 1939, Chapter 95  
Laws of 1941, Chapter 109  
Laws of 1941, Chapter 115  
Laws of 1945, Chapter 54  
Laws of 1948, Chapter 82  
Laws of 1949, Chapter 99

Laws of 1950, Chapter 68

Laws of 1951, Chapter 1

Laws of 1951, Chapter 2

Laws of 1951, Chapter 8

Laws of 1953, Chapter 82

Laws of 1955, Chapter 32

Laws of 1956, Chapter 91

Laws of 1957, Chapter 122

6. The said revision constituting Title 38A, supplemental to the Revised Statutes, shall not be printed in the Pamphlet Laws of this session.

7. This act shall take effect on July 1, 1962.

Table I  
Showing Derivation of Sections of Statutes of Title 38A

TITLE 38A    ARMED FORCES

<u>Title 38A</u>	<u>R. S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
Chapter 1    General Provisions		
38A:1-1	38:1-1	as am. L. 1941, c. 109, § 1; L. 1942, c. 344, § 1; L. 1947, c. 108, § 1.
	38:14-1	
38A:1-2	38:1-1	as am. L. 1941, c. 109, § 1; L. 1942, c. 344, § 1; L. 1947, c. 108, § 1.
38A:1-3	38:1-1	as am. L. 1941, c. 109, § 1; L. 1942, c. 344, § 1; L. 1947, c. 108, § 1.
38A:1-4	38:1-2	
38A:1-5	38:14-5	
38A:1-6	38:14-2	
Chapter 2    Commander - In - Chief		
38A:2-1	38:2-1	
38A:2-2	38:2-2	as am. L. 1941, c. 109, § 2; L. 1947, c. 105, § 1; L. 1950, c. 239, § 1.
38A:2-3	38:2-4	
38A:2-4	38:2-5	
38A:2-5	38:2-6	
38A:2-6	38:2-7	
Chapter 3    Department of Defense		
38A:3-1	38:14B-1	L. 1948, c. 82, § 1.
	38:14B-2	L. 1948, c. 82, § 2.

<u>Title 38A</u>	<u>R. S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
38A:3-2	38:14B-3 38:2-8 38:2-15 38:3-25	L. 1948, c. 82, § 3 as am. L. 1941, c. 109, § 3 as am. L. 1941, c. 109, § 4
38A:3-3	38:14B-4 38:2-8	L. 1948, c. 82, § 4 as am. L. 1941, c. 109, § 3
38A:3-4	38:14B-6	L. 1948, c. 82, § 6
38A:3-5	38:14B-5	L. 1948, c. 82, § 5 as am. L. 1941, c. 109, § 3
38A:3-6	38:14B-7  38:2-10 38:2-17 38:3-2 38:2-11 38:2-18 38:2-20 38:14-8 38:3-3 38:3-4 38:14B-6 38:14B-7  38:7-2 38:2-11.1 38:4-2 38:5-4	L. 1948, c. 82, § 7; as am. L. 1954, c. 146, § 1 as am. L. 1947, c. 105, § 2 as am. L. 1947, c. 105, § 3 as am. L. 1950, c. 239, § 3  as am. L. 1950, c. 239, § 4 as am. L. 1950, c. 239, § 5 L. 1948, c. 82, § 6 L. 1948, c. 82, § 7; as am. L. 1954, c. 146, § 1  as am. L. 1941, c. 109, § 8
38A:3-7		
38A:3-8	38:2-8 38:2-21 38:12-8 38:2-15	as am. L. 1941, c. 109, § 3 as am. L. 1952, c. 41, § 1  as am. L. 1941, c. 109, § 4
38A:3-9	38:2-26	
38A:3-10	38:2-13 38:2-14 38:2-10	as am. L. 1947, c. 105, § 2
38A:3-11	38:2-10 38:2-12	as am. L. 1947, c. 105, § 2

<u>Title 38A</u>	<u>R. S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
Chapter 4 Personnel of the Organized Militia - General Provisions		
38A:4-1	38:3-9	as am. L. 1950, c. 239, § 8
	38:3-16	as am. L. 1950, c. 239, § 10
	38:3-30	as am. L. 1947, c. 108, § 2
	38:4-5	as am. L. 1950, c. 239, § 18
	38:4-6	
	38:4-12	as am. L. 1950, c. 239, § 21
	38:4-23	
38A:4-2	38:3-24	as am. L. 1950, c. 239, § 17
	38:4-19	as am. L. 1950, c. 239, § 26
38A:4-3	38:3-28	
	38:3-36	as am. L. 1946, c. 244, § 1
	38:4-22	
	38:4-28	
	38:5-5.1	L. 1941, c. 109, § 9
	38:5-6.1	L. 1941, c. 109, §§ 13-14
38A:4-4	38:12-4	as am. L. 1941, c. 109, § 23
38A:4-5	38:12-5	as am. L. 1953, c. 82, § 1
38A:4-6	38:5-4.1	L. 1941, c. 109, § 16, supp. Title 38, c. 6
38A:4-7	38:12-2	as am. L. 1941, c. 109, § 22
38A:4-8	38:12-3	
38A:4-9	38:12-6	
38A:4-10	38:12-7	
38A:4-11	38:3-23	as am. L. 1950, c. 239, § 16
	38:4-18	as am. L. 1950, c. 239, § 25
	38:3-23.1	L. 1939, c. 95, § 9
38A:4-12	38:14-9	

<u>Title 38A</u>	<u>R. S. 1937</u> <u>N. J. S. A.</u>	<u>Subsequent Laws</u>
Chapter 5    Officers		
38A:5-1	38:3-8	as am. L. 1950, c. 239, § 7
	38:3-11	as am. L. 1950, c. 239, § 9
	38:3-16	as am. L. 1950, c. 239, § 10
	38:3-33	
	38:4-8	as am. L. 1950, c. 239, § 20
	38:4-12	as am. L. 1950, c. 239, § 21
	38:5-5	as am. L. 1941, c. 109, § 9
38A:5-2	38:3-10	
	38:4-7	
	38:5-5	as am. L. 1941, c. 109, § 9
38A:5-3	38:3-17	as am. L. 1950, c. 239, § 11
	38:4-13	
38A:5-4	38:14-7	
38A:5-5	38:3-27	
	38:4-21	
38A:5-6	38:3-21	as am. L. 1950, c. 239, § 14
	38:4-16	as am. L. 1950, c. 239, § 23
38A:5-7	38:3-22	as am. L. 1950, c. 239, § 15
	38:4-17	as am. L. 1950, c. 239, § 24
38A:5-8	38:3-18	as am. L. 1950, c. 239, § 12
	38:4-14	as am. L. 1950, c. 239, § 22
	38:4-18	
38A:5-9	38:3-19	as am. L. 1950, c. 239, § 13
	38:4-18	as am. L. 1950, c. 239, § 25

Chapter 6    Enlisted Members

38A:6-1	38:3-30	
	38:3-31	
	38:3-35	
	38:4-23	
	38:4-24	

<u>Title 38A</u>	<u>R. S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
38A:6-2	38:3-32 38:4-25 48:5-6	as am. L. 1941, c. 109, § 10
38A:6-3	38:14-6	as am. L. 1941, c. 109, § 27; L. 1950, c. 239, § 28
38A:6-4		

#### Chapter 7 National Guard

38A:7-1	38:2-3 38:3-1	as am. L. 1950, c. 239, § 2
38A:7-2	38:3-6	
38A:7-3	38:3-5 38:3-34 38:3-35	as am. L. 1950, c. 239, § 6
38A:7-4	38:3-1 38:3-16	as am. L. 1950, c. 239, § 2 as am. L. 1950, c. 239, § 4
38A:7-5	38:3-37 38:3-38 38:3-39 38:3-40	

#### Chapter 8 Naval Militia

38A:8-1	38:2-3 38:4-1 38:4-5 38:4-6 38:4-8 38:4-23	
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<u>Title 38A</u>	<u>R. S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
38A:8-2	38:4-3 38:4-26 38:4-27	
38A:8-3	38:4-31	as am. L. 1950, c. 239, § 27

Chapter 9 State Guard

38A:9-1	38:2-3 38:5-1 38:5-2 38:5-7 38:5-7.1	as am. L. 1941, c. 109, § 5 as am. L. 1941, c. 109, § 6 as am. L. 1941, c. 109, § 11 L. 1941, c. 109, § 15
38A:9-2	38:5-3 38:5-8	as am. L. 1941, c. 109, § 7 as am. L. 1941, c. 109, § 12
38A:9-3	38:5-7.2	L. 1941, c. 109, § 17

Chapter 10 Military Justice

38A:10-1	
38A:10-2	
38A:10-3	38:3-41 38:3-42 38:3-43 38:3-44 38:3-45 38:3-46 38:3-47 38:3-48 38:3-49 38:3-50 38:3-51 38:3-53 38:4-29

<u>Title 38A</u>	<u>R. S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
38A:10-4		
38A:10-5	38:3-52	
38A:10-6	38:3-54	
38A:10-7	38:3-55	
38A:10-8	38:3-56	
38A:10-9	38:3-57	
38A:10-10	38:3-58	
	Chapter 11	Funds and Personal Property
38A:11-1	38:2-25	
38A:11-2	38:9-1	
38A:11-3	38:9-2	
38A:11-4	38:9-3	
38A:11-5	38:9-4	
38A:11-6	38:9-5	
38A:11-7	38:9-6	
38A:11-8	38:9-7	as am. L. 1953, c. 35, <del>§</del> 1
38A:11-9	38:9-10	
38A:11-10	38:9-11	as am. L. 1953, c. 35, <del>§</del> 4
38A:11-11	38:9-12	as am. L. 1953, c. 35, <del>§</del> 5
38A:11-12	38:10-1	
38A:11-13	38:12-1	
38A:11-14	38:2-19	

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Chapter 12 Armories

38A:12-1	38:2-22 38:2-17	
38A:12-2	38:8-3	
38A:12-3		
38A:12-4		
38A:12-5	38:2-20 38:7-2 38:8-13 38:8-14 38:8-16 38:8-17 38:8-18 38:8-19 38:8-20 38:8-21 38:8-22	as am. L. 1950, c. 17, § 1
38A:12-6	38:2-24.1 38:2-23 38:8A-1	L. 1956, c. 91, § 1 L. 1955, c. 32, § 1
38A:12-7	38:2-24 38:2-24.2 38:8A-2	L. 1956, c. 91, § 2 L. 1955, c. 32, § 2
38A:12-8	38:2-24.3	L. 1956, c. 91, § 3

Chapter 13 Compensation for Injuries

38A:13-1	38:11-1 38:11-4 38:11-5 38:12-8	as am. L. 1941, c. 109, § 19 as am. L. 1941, c. 109, § 20 as am. L. 1941, c. 109, § 21
38A:13-2	38:11-2	
38A:13-3	38:11-3	
38A:13-4	38:11-6 38:11-7 38:11-8	

<u>Title 38A</u>	<u>R.S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
38A:13-5	38:11-9	
38A:13-6	38:11-10	
38A:13-7	38:11-11	
Chapter 14 Prohibitions and Penalties		
38A:14-1	38:13-1	
38A:14-2	38:13-2	
38A:14-3	38:13-3 38:22-1	as am. L. 1941, c. 109, § 24
38A:14-4	38:13-4 38:22-2	as am. L. 1941, c. 109, § 25 L. 1949, c. 99
38A:14-5	38:13-5	as am. L. 1941, c. 109, § 26
38A:14-6	38:13-6	
38A:14-7	38:13-7	
38A:14-8	38:13-8	
38A:14-9	38:13-9	
38A:14-10	38:13-10	
Chapter 15 Service Medals		
38A:15-1	38:26-1	
38A:15-2	38:26-2	
38A:15-3		
Chapter 16 Military Forces Fresh Pursuit Act		
38A:16-1	38:14A-1	L. 1941, c. 115, § 1
38A:16-2	38:14A-2	L. 1941, c. 115, § 2

<u>Title 38A</u>	<u>R. S. 1937</u> <u>N.J.S.A.</u>	<u>Subsequent Laws</u>
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Chapter 17 Interstate Communication Facilities  
Emergency Protection

38A:17-1	38:14C-1	L. 1950, c. 68, § 1
38A:17-2	38:14C-2	L. 1950. c, 68, § 2

Chapter 18 Interstate Compacts for Military Aid

38A:18-1	38:14D-1	L. 1951, c. 1, § 1
38A:18-2	38:14D-2	L. 1951, c. 1, § 2
38A:18-3	38:14D-3	L. 1951, c. 1, § 3
38A:18-4	38:14D-4	L. 1951, c. 1, § 4
	38:14D-6	L. 1951, c. 2, § 2
	38:14D-9	L. 1951, c. 8, § 3
38A:18-5	38:14D-5	L. 1951, c. 2, § 1
38A:18-6	38:14D-7	L. 1951, c. 8, § 1

TABLE II  
 SHOWING DISPOSITION OF STATUTES CONTAINED  
 IN TITLE 38 OF THE REVISED STATUTES  
 AS AMENDED AND SUPPLEMENTED

R.S. 1937 N.J.S.A.	Subsequent Laws	Title 38A
Chapter 1 Classification of Militia		
38:1-1	as am. L. 1941, c. 109, § 1; L. 1942, c. 344, § 1; L. 1947, c. 108, § 1.	38A:1-1(a) 38A:1-2 38A:1-3
38:1-2		38A:1-4
Chapter 2 Departments		
Article 1 Governor and Staff		
38:2-1		38A:2-1
38:2-2	as am. L. 1941, c. 109, § 2; L. 1947, c. 105, § 1; L. 1950, c. 239, § 1.	38A:2-2
38:2-3		38A:7-1 38A:8-1 38A:9-1
38:2-4		38A:2-3
38:2-5		38A:2-4
38:2-7		38A:2-6
Article 2 Adjutant General		
38:2-8	as am. L. 1941, c. 109, § 3.	38A:3-2 38A:3-5 38A:3-8
38:2-9		Not enacted
38:2-10	as am. L. 1947, c. 105, § 2.	38A:3-6 38A:3-10

Chapter 3 National Guard

Article 1 Composition and Organization

38:3-1	as am. L. 1950, c. 239, § 2	38A:7-1
38:3-2	as am. L. 1950, c. 239, § 3	38A:3-6
38:3-3	as am. L. 1950, c. 239, § 4	38A:3-6
38:3-4	as am. L. 1950, c. 239, § 5	38A:3-6
38:3-5	as am. L. 1950, c. 239, § 6	38A:7-3
38:3-6		38A:7-2
38:3-7		Not enacted

Article 2 Commissioned and Warrant  
Officers

38:3-8	as am. L. 1950, c. 239, § 7	38A:5-1
38:3-9	as am. L. 1950, c. 239, § 8	38A:4-1
38:3-10		38A:5-2
38:3-11	as am. L. 1950, c. 239, § 9	38A:5-1
38:3-12 to 38:3-15	Repealed L. 1950, c. 239, § 29	
38:3-16	as am. L. 1950, c. 239, § 10	38A:4-1 38A:5-1 38A:7-4
38:3-17	as am. L. 1950, c. 239, § 11	38A:5-3
38:3-18	as am. L. 1950, c. 239, § 12	38A:5-8
38:3-19	as am. L. 1950, c. 239, § 13	38A:5-9
38:3-20	Repealed L. 1950, c. 239, § 29	
38:3-21	as am. L. 1950, c. 239, § 14	38A:5-6
38:3-22	as am. L. 1950, c. 239, § 15	38A:5-7

R.S. 1937 N.J.S.A.	Subsequent Laws	Title 38A
38:2-11		38A:3-6
38:2-11.1		38A:3-6
38:2-12		38A:3-11
38:2-13		38A:3-10
38:2-14		38A:3-10
Article 3 Quartermaster General		
38:2-15	as am. L. 1941, c. 109, § 4	38A:3-2 38A:3-8
38:2-16		Not enacted
38:2-17	as am. L. 1947, c. 105, § 3	38A:3-6 38A:12-1
38:2-18		38A:3-6
38:2-19		38A:11-14
38:2-20		38A:12-5 38:3-6
38:2-21	as am. L. 1952, c. 41, § 1	38A:3-8
38:2-22		38A:12-1
38:2-23		38A:12-6
38:2-24		38A:12-7
38:2-24.1	L. 1956, c. 91, § 1	38A:12-6
38:2-24.2	L. 1956, c. 91, § 2	38A:12-7
38:2-24.3	L. 1956, c. 91, § 3	38A:12-8
38:2-25		38A:11-1
38:2-26		38A:3-9
38:3-23	as am. L. 1950, c. 239, § 16	38A:4-11
38:3-23.1		38A:4-11

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Subsequent Laws

Title 38A

38:3-24	as am. L. 1950, c. 239, § 17	38A:4-2
38:3-25		38A:3-2
38:3-26		Not enacted
38:3-27		38A:5-5
38:3-28		38A:4-3
38:3-29		Not enacted
Article 3 Enlisted Men		
38:3-30	as am. L. 1947, c. 108, § 2	38A:4-1 38A:6-1
38:3-31		38A:6-1
38:3-32		38A:6-2
38:3-33		38A:5-1
38:3-34		38A:7-3
38:3-35		38A:6-1 38A:7-3
38:3-36	as am. L. 1946, c. 224, § 1	38A:4-3
Article 4 Inactive National Guard		
38:3-37		38A:7-5
38:3-38		38A:7-5
38:3-39		38A:7-5
38:3-40		38A:7-5
38:3-41		38A:10-3
38:3-42		38A:10-3
38:3-43		38A:10-3

R.S. 1937 N.J.S.A.	Subsequent Laws	Title 38A
38:3-44		38A:10-3
38:3-45		38A:10-3
38:3-46		38A:10-3
38:3-47		38A:10-3
38:3-48		38A:10-3
38:3-49		38A:10-3
39:3-50		38A:10-3
38:3-51		38A:10-3
38:3-52		38A:10-5
38:3-53		38A:10-3
38:3-54		38A:10-6
38:3-55		38A:10-7
38:3-56		38A:10-8
38:3-57		38A:10-9
38:3-58		38A:10-10
38:3-59		Not enacted

#### Chapter 4 Naval Militia

##### Article 1 Composition and Organization

38:4-1		38A:8-1
38:4-2		38A:3-6
38:4-3		38A:8-2
38:4-4		Not enacted

Article 2 Commissioned and Warrant  
Officers

38:4-5	as am. L. 1950, c. 239, § 18	38A:4-1 38A:8-1
38:4-6	as am. L. 1950, c. 239, § 19	38A:4-1 38A:8-1
38:4-7		38A:5-2
38:4-8	as am. L. 1950, c. 239, § 20	38A:5-1 38A:8-1
38:4-9	Repealed, L. 1950, c. 239, § 29	
38:4-10	Repealed, L. 1950, c. 239, § 29	
38:4-11	Repealed, L. 1950, c. 239, § 29	
38:4-12	as am. L. 1950, c. 239, § 21	38A:4-1 38A:5-1
38:4-13		38A:5-3
38:4-14	as am. L. 1950, c. 239, § 22	38A:5-8
38:4-15	Repealed, L. 1950, c. 239, § 29	
38:4-16	as am. L. 1950, c. 239, § 23	38A:5-6
38:4-17	as am. L. 1950, c. 239, § 24	38A:5-7
38:4-18	as am. L. 1950, c. 239, § 24	38A:4-11 38A:5-9
38:4-19	as am. L. 1950, c. 239, § 26	38A:4-2
38:4-20		Not enacted
38:4-21		38A:5-5
38:4-22		38A:4-3

Article 3 Enlisted Men

38:4-23		38A:4-1 38A:8-1 38A:6-1
38:4-24		38A:6-1
38:4-25		38A:6-2
38:4-26		38A:8-2
38:4-27		38A:8-2
38:4-28		38A:4-3

Article 4 Naval Courts

38:4-29		38A:10-3
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Article 5 Armories

38:4-30		Not enacted
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Article 6 Inactive Naval Militia

38:4-31	as am. L. 1950, c. 239, § 27	38A:8-3
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Chapter 5 New Jersey Guard

38:5-1	as am. L. 1941, c. 109, § 5	38A:9-1
38:5-2	as am. L. 1941, c. 109, § 6	38A:9-1
38:5-3	as am. L. 1941, c. 109, § 7	38A:9-2
38:5-4	as am. L. 1941, c. 109, § 8	38A:3-6
38:5-4.1	L. 1941, c. 109, § 16, supplementing Title 38, c. 5	38A:4-6
38:5-5	as am. L. 1941, c. 109, § 9	38A:5-1 38A:5-2
38:5-5.1	L. 1941, c. 109, § 13, supplementing Title 38, c. 5	38A:4-3

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Title 38A

38:5-6	as am. L. 1941, c. 109, § 10	38A:6-2
38:5-6.1	L. 1941, c. 109, § 14, supplementing Title 38, c. 5	38A:4-3
38:5-7	as am. L. 1941, c. 109, § 11	38A:9-1
38:5-7.1	L. 1941, c. 109, § 15, supplementing Title 38, c. 5	38A:9-1
38:5-7.2	L. 1941, c. 109, § 17, supplementing Title 38, c. 5	38A:9-3
38:5-8	as am. L. 1941, c. 109, § 12	38A:9-2

Chapter 6 Colored Battalion of  
Infantry State Militia

38:6-1	Repealed, L. 1959, c. 85, § 1	
38:6-2	Repealed, L. 1959, c. 85, § 1	
38:6-3	Repealed, L. 1959, c. 85, § 1	

Chapter 7 State Military Board

38:7-1	as am. 1941, c. 109, § 18 1946, c. 234, § 1	Not enacted
38:7-2		38A:3-6 38A:12-5
38:7-3		Not enacted

Chapter 8 Armories

Article 1 General Powers of State  
Military Board

38:8-1		Not enacted
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Article 2 Acquiring Sites for and the  
Erection and Equipment of  
Armories

38:8-2	Acts Saved from Repeal:	Not enacted
	L. 1913, c. 266, § 1, (1924 Supp. § 129-218(a) - (9))	Not enacted
	L. 1953, c. 79	Not enacted
38:8-3		38A:12-2
38:8-4	Act Saved from Repeal:	Not enacted
	L. 1878, c. 135, § 1, (C. S. § 164)	Not enacted
38:8-5	Acts Saved from Repeal:	Not enacted
	L. 1888, c. 182, § 1, as am. 1906, c. 125, § 2, L. 1910, c. 239, § 2, (C. S. § 168);	Not enacted
	L. 1888, c. 182, § 2, (C. S. § 169);	Not enacted
	L. 1888, c. 182, § 3, as am. L. 1894, c. 109, § 1, L. 1907, c. 83, § 1, L. 1910, c. 239, § 3, (C. S. § 170);	Not enacted
	L. 1888, c. 182, §§ 4-6, as am. L. 1906, c. 125, §§ 3-5, L. 1910, c. 239, §§ 4-6, (C. S. §§ 171-3);	Not enacted
	L. 1888, c. 182, §§ 7-8, (C. S. §§ 174-5);	Not enacted
	L. 1890, c. 25, § 1, (C. S. § 176), supp. to L. 1888, c. 182;	Not enacted
	L. 1890, c. 185, §§ 1-2, as am. L. 1893, c. 291, §§ 1-2, (C. S. §§ 177-8) supp. to L. 1888, c. 182;	Not enacted
	L. 1890, c. 185, §§ 3-4, (C. S. §§ 179-80), supp. to L. 1888, c. 182;	Not enacted
	L. 1896, c. 166, § 1, (C. S. § 181), supp. to L. 1890, c. 185, supp. to L. 1888, c. 182;	Not enacted
	L. 1892, c. 106, § 1, (C. S. § 182), supp. to L. 1888, c. 182;	Not enacted
	L. 1894, c. 68, § 1, (C. S. § 183), supp. to L. 1888, c. 182;	Not enacted
	L. 1895, c. 105, § 1, (C. S. § 184), supp. to L. 1888, c. 182;	Not enacted
	L. 1896, c. 215, §§ 1-2, (C. S. §§ 185-6), supp. to L. 1888, c. 182;	Not enacted

	L. 1897, c. 62, §§ 1-3, (C. S. §§ 187-9), supp. to L. 1888, c. 182;	Not enacted
	L. 1897, c. 106, § 1, (C. S. § 191), supp. to L. 1888, c. 182;	Not enacted
	L. 1898, c. 145, § 1, (C. S. § 192), supp. to L. 1888, c. 182;	Not enacted
	L. 1899, c. 115, § 1, (C. S. § 193), supp. to L. 1888, c. 182;	Not enacted
	L. 1900, c. 128, § 1, (C. S. § 190), supp. to L. 1897, c. 62, supp. to L. 1888, c. 182;	Not enacted
	L. 1901, c. 15, § 1, as am. L. 1902, c. 59, § 1, (C. S. § 194), supp. to L. 1888, c. 182;	Not enacted
	L. 1901, c. 15, §§ 2-3, (C. S. §§ 195-6), supp. to L. 1888, c. 182;	Not enacted
	L. 1903, c. 204, §§ 1-3, (C. S. §§ 197-9), supp. to L. 1888, c. 182;	Not enacted
	L. 1906, c. 165, §§ 1-3, (C. S. §§ 200-2), supp. to L. 1888, c. 182;	Not enacted
	L. 1908, c. 240, § 1, (C. S. § 203), supp. to L. 1888, c. 182.	Not enacted
38:8-6	Acts Saved from Repeal:	Not enacted
	L. 1911, c. 253, §§ 1-5, (1924 Supp. §§ 192-236);	Not enacted
	L. 1911, c. 253, § 6, as am. L. 1920, c. 315, § 1, (1924 Supp. §§ 129-237);	Not enacted
	L. 1912, c. 107, §§ 1-2, (1924 Supp. §§ 129-239), supp. to L. 1911, c. 253.	Not enacted
38:8-7	Act Saved from Repeal:	Not enacted
	L. 1894, c. 184, §§ 1-4, (C. S. §§ 204-7)	Not enacted
	Article 3 Appropriation for Armory Purposes	
38:8-8	as am. L. 1948, c. 112, § 1	Not enacted
38:8-9		Not enacted
38:8-10	Act Saved from Repeal:	Not enacted
	L. 1922, c. 21, § 1, (1924 Supp. § 48-1750 I(1))	Not enacted
38:8-11	Act Saved from Repeal:	Not enacted
	L. 1915, c. 200, § 1, (1924 Supp. § 136-3770E(1))	Not enacted

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Title 38A

38:8-12	Act Saved from Repeal: L. 1908, c. 134, §§ 1-3, (C. S. §§ 220-2)	Not enacted Not enacted
	Article 4 Use of Armories Other Than for Military Purposes	
38:8-13		38A:12-5
38:8-14		38A:12-5
38:8-15		Not enacted
38:8-16		38A:12-5
38:8-17		38A:12-5
38:8-18		38A:12-5
38:8-19		38A:12-5
38:8-20		38A:12-5
38:8-21		38A:12-5
38:8-22	as am. L. 1950, c. 17, § 1	28A:12-5
	Chapter 8A Buildings and Grounds	
38:8A-1	L. 1955, c. 32, § 1	38A:12-6
38:8A-2	L. 1955, c. 32, § 2	38A:12-7
	Chapter 9 Funds and Public Property	
	Article 1 Personal Responsibility for Property	
38:9-1		38A:11-2
38:9-2		38A:11-3
38:9-3		38A:11-4

R.S. 1937 N.J.S.A.	Subsequent Laws	Title 38A
38:9-4		38A:11-5
38:9-5		38A:11-6
38:9-6		38A:11-7
Article 2 Procedure for Return of Military Property		
38:9-7	as am. L. 1953, c. 35, § 1	38A:11-8
38:9-8	Repealed L. 1953, c. 35, §§ 2-3	
38:9-9	Repealed L. 1953, c. 35, §§ 2-3	
38:9-10		38A:11-9
38:9-11	as am. L. 1953, c. 35, § 5	38A:11-10
38:9-12	as am. L. 1953, c. 35, § 5	38A:11-11
Chapter 10 Loan of Property to Veteran Associations		
38:10-1		38A:11-12
Chapter 11 Compensation For Injuries		
38:11-1	as am. L. 1941, c. 109, § 19	38A:13-1
38:11-2		38A:13-2
38:11-3		38A:13-3
38:11-4	as am. L. 1941, c. 109, § 20	38A:13-1
38:11-5	as am. L. 1941, c. 109, § 21	38A:13-1
38:11-6		38A:13-4
38:11-7		38A:13-4
38:11-8		38A:13-4
38:11-9		38A:13-5
38:11-10		38A:13-6
38:11-11		38A:13-7

Chapter 12 Privileges and Immunities

38:12-1		38A:11-13
38:12-2	as am. L. 1941, c. 109, § 22	38A:4-7
38:12-3		38A:4-8
38:12-4	as am. L. 1941, c. 109, § 23	38A:4-4
38:12-5	as am. L. 1953, c. 82, § 1	38A:4-5
38:12-5.1	L. 1953, c. 82, § 2	Not enacted
38:12-6		38A:4-9
38:12-7		38A:4-10
38:12-8		38A:3-8 38A:13-1

Chapter 13 Prohibitions and Penalties

38:13-1		38A:14-1
38:13-2		38A:14-2
38:13-3	as am. L. 1941, c. 109, § 24	38A:14-3
38:13-4	as am. L. 1941, c. 109, § 25	38A:14-4
38:13-5	as am. L. 1941, c. 109, § 26	38A:14-5
38:13-6		38A:14-6
38:13-7		38A:14-7
38:13-8		38A:14-8
38:13-9		38A:14-9
38:13-10		38A:14-10

38:13-11 Not enacted

Chapter 14 General Provisions

38:14-1 38A:1-1  
38:14-2 38A:1-6  
38:14-3 Not enacted  
38:14-4 Not enacted  
38:14-5 38A:1-5  
38:14-6 as am. L. 1941, c. 109, § 27 38A:6-3  
L. 1950, c. 239, § 28  
38:14-7 38A:5-4  
38:14-8 38A:3-6  
38:14-9 38A:4-12  
38:14-10 Act Saved from Repeal: Not enacted  
L. 1908, c. 237 Not enacted

Chapter 14A Military Forces  
Fresh Pursuit Act

38:14A-1 L. 1941, c. 115, § 1 38A:16-1  
38:14A-2 L. 1941, c. 115, § 2 38A:16-2  
38:14A-3 L. 1941, c. 115, § 3 Not enacted  
38:14A-4 L. 1941, c. 115, § 4 Not enacted  
38:14A-5 L. 1941, c. 115, § 5 Not enacted

Chapter 14B Department of Defense

38:14B-1 L. 1948, c. 82, § 1 38A:3-1

R.S. 1937 N.J.S.A.	Subsequent Laws	Title 38A
38:14B-2	L. 1948, c. 82, § 2	38A:3-1
38:14B-3	L. 1948, c. 82, § 3	38A:3-2
38:14B-4	L. 1948, c. 82, § 4	38A:3-3
38:14B-5	L. 1948, c. 82, § 5	38A:3-5
38:14B-6	L. 1948, c. 82, § 6	38A:3-6
38:14B-7	L. 1948, c. 82, § 7 L. 1954, c. 146, § 1	38A:3-6
38:14B-8	L. 1948, c. 82, § 8	Not enacted
38:14B-9	L. 1948, c. 82, § 9	Not enacted
38:14B-10	L. 1948, c. 82, § 10	Not enacted
38:14B-11	L. 1948, c. 82, § 11	Not enacted
38:14B-12	L. 1948, c. 82, § 12	Not enacted
38:14B-13	L. 1948, c. 82, § 13	Not enacted
38:14B-14	L. 1948, c. 82, § 14	Not enacted
38:14B-15	L. 1948, c. 82, § 15	Not enacted
38:14B-16	L. 1957, c. 122, § 1	Not enacted
Chapter 14C Interstate Communication Facilities Emergency Protection		
38:14C-1	L. 1950, c. 68, § 1	38A:17-1
38:14C-2	L. 1950, c. 68, § 2	38A:17-2
Chapter 14D Interstate Compact for Military Aid, etc.		
38:14D-1	L. 1951, c. 1, § 1	38A:18-1
38:14D-2	L. 1951, c. 1, § 2	38A:18-2
38:14D-3	L. 1951, c. 1, § 3	38A:18-3

R.S. 1937 N.J.S.A.	Subsequent Laws	Title 38A
38:14D-4	L. 1951, c. 1, § 4	38A:18-4
38:14D-5	L. 1951, c. 2, § 1	38A:18-5
38:14D-6	L. 1951, c. 2, § 2	38A:18-4
38:14D-7	L. 1951, c. 8, § 1	38A:18-6
38:14D-8	L. 1951, c. 8, § 2	Not enacted
38:14D-9	L. 1951, c. 8, § 3	38A:18-4
<p>Subtitle 2 Soldiers, Sailors and Marines</p> <p>Chapter 22 Discrimination</p>		
38:22-1		38A:14-3
38:22-2	L. 1949, c. 99	38A:14-4
<p>Subtitle 3 Service Medals</p> <p>Chapter 26 Service in National Guard and Naval Militia</p>		
38:26-1		38A:15-1
38:26-2		38A:15-2
38:26-3		Not enacted
<p>Chapter 27 Service in Various Wars</p>		
38:27-1	Acts Saved from Repeal:	Not enacted
	L. 1924, c. 14, § 1, (1924 Supp. §§ 129-163b);	Not enacted
	L. 1883, J. R. 3, § 1;	Not enacted
	L. 1899, J. R. 2, § 1;	Not enacted
	L. 1900, J. R. 1, § 1;	Not enacted
	L. 1901, J. R. 1, § 1;	Not enacted
	L. 1904, J. R. 10, § 1;	Not enacted
	L. 1908, J. R. 1, § 1;	Not enacted
	L. 1908, J. R. 10, § 1;	Not enacted
	L. 1909, J. R. 2, § 1;	Not enacted
	L. 1919, J. R. 8, § 1;	Not enacted
	L. 1919, J. R. 8, § 2.	Not enacted

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Subsequent Laws

Title 38A

Subtitle 4 Induction Into  
Armed Forces of United States

Chapter 28 Inmates of Penal  
and Correctional Institutions

38:28-1	L. 1945, c. 54, § 1	Not enacted
38:28-2	L. 1945, c. 54, § 2	Not enacted

## NOTATIONS

**A 286 Savino**  
Jan. 21—Prohibits transportation within this State in a passenger train of any explosives or flammable liquid freight, or of tank cars in which flammable liquids have been carried, unless pugged, except when transported in conformity to ICC regulations; permits the placing of freight cars on the rear of passenger trains.  
Jan. 21—Hwys, Trans & Pub Util Com.

**A 287 Biber, Gimson**  
Jan. 21—Defines "resident" under the boarding homes licensing law, provides that the State Board of Control shall establish minimum standards of sanitary housekeeping, heat, light, air, food and lodging for boarding homes.  
Jan. 21—Inst, Pub Health & Welf Com.

**A 288 Biber, Gimson**  
Jan. 21—Amends the nursing home licensing law.  
Jan. 21—Inst, Pub Health & Welf Com.

**A 289 Wanner, Hauser, Higgins**  
Jan. 21—Provides that the municipal governing body may appoint any person instead of the chief of police, to control and license dogs and kennels.  
Feb. 11—Passed in Assembly.  
Apr. 22—Passed in Senate.  
May 6—Vetoed by the Governor.

**A 290 Gimson, Rutherford, Krueger, Sears, Miller, Richardson, Sarcone, Wilson**  
Jan. 21—Designates the State song as "I'm From New Jersey" composed by Red Mascara.  
Jan. 21—Education Com.  
Apr. 22—Reported, 2nd reading.  
May 20—Recommitted.

**A 291 Beadleston**  
Jan. 21—Authorizes the Borough of Belmar to lease certain lands owned by it, and bordering on the Atlantic Ocean, and which are no longer needed for public use.  
Feb. 11—Passed in Assembly.  
Mar. 18—Passed in Senate.  
May 6—Vetoed by the Governor.

**A 292 Brigiani**  
Jan. 14—Increases from \$2.00 to \$20.00 the fee to be paid by the plaintiff to the Secretary of State for service upon a nonresident aircraft operator, pilot or owner, effective July 1, 1963.  
Jan. 14—Rev. & Amend. of Laws Com.  
Jan. 21—Reported, 2nd reading.  
Jan. 28—Passed in Assembly.  
Feb. 4—Received in Senate.  
Feb. 4—Judiciary Com.

**A 293 Randall, Savino, Moraites**  
Jan. 21—Repeals R.S. 43:3-1, etc., which prohibited public employment of retired pensioners.  
Jan. 21—State, Co. & Mun. Gov't Com.  
Jan. 28—Reported, 2nd reading.  
May 20—Recommitted.

**A 294 Sarcone, Panaro, Lubetkin**  
Jan. 21—Provides that all necessary expenses incurred by the Commissioner of Registration, the Superintendent of Elections, and the Custodian of Voting Machines in 1st class counties shall not exceed, in the aggregate \$655,000 per annum.  
Mar. 11—Passed in Assembly.  
May 6—Passed in Senate.  
Aug. 5—Approved, Chapter 138.

**A 295 Crabiel**  
Jan. 14—Revises certain administrative provisions of the Motor Fuel Tax Law.  
Jan. 28—Passed in Assembly.  
May 13—Passed in Senate.  
May 28—Approved, Chapter 70.

**A 296 Hauser, Musto**  
Jan. 14—Revises Title 38A, Armed Forces.  
Mar. 18—Passed in Assembly.  
May 6—Passed in Senate.  
June 13—Approved, Chapter 109.

**A 297 Matthews, Lubetkin, Gross, Barbour**  
Jan. 14—Provides that the Superior Court shall consist of 65, instead of 44 judges; provides that upon Supreme Court designation County Clerks and Surrogates shall act as deputy clerks of the Superior Court.  
Jan. 14—State, Co. & Mun. Gov't Com.

## NOTATIONS

**A 298 Crabiel**  
Jan. 14—Increases the fees charged by the Secretary of State; effective July 1, 1963.

Jan. 14—State, Co. & Mun. Gov't Com.  
Jan. 21—Reported, 2nd reading.  
Jan. 28—Amended.  
Jan. 28—2nd reading, amended.  
Feb. 4—Passed in Assembly, amended.  
Feb. 11—Received in Senate.  
Feb. 11—State, Co. & Mun. Gov't Com.

**A 299 Crabiel, Barbour**  
Jan. 14—Increases from \$.25 to \$.50 the fee for dog registration tag; permits each municipality to fix the annual dog license fee to be not less than \$1.50, instead of \$1.00 nor more than \$3.50, instead of \$3.00; in the absence of such a local ordinance, the license fee shall be \$1.50 instead of \$1.00; effective July 1, 1963.

Jan. 14—Inst Pub Health & Welf Com.  
Jan. 21—Reported, 2nd reading.  
Jan. 28—Passed in Assembly.  
Feb. 4—Received in Senate.  
Feb. 4—Inst, Pub Health & Welf Com.

**A 300 Hauser, Musto**  
Jan. 14—Permits the Chief of Staff, by regulations, to prescribe the enlistment terms of the National Guard.  
Jan. 28—Passed in Assembly.  
Mar. 25—Passed in Senate.  
Apr. 2—Approved, Chapter 16.

**A 301 Meloni**  
Jan. 14—Prohibits as a disorderly person the discharging of explosives in the ground within a distance of 200 feet of any pipe distributing or transmitting manufactured, mixed or natural gas.  
Jan. 14—Hwys Trans & Pub Util Com.  
May 6—Reported with com. amend.  
May 6—2nd reading.  
May 10—Passed in Assembly, amended.  
May 10—Received in Senate.  
May 10—Hwys, Trans & Pub Util Com.

**A 302 Koenig, Brigiani, Barbour, Bresler**  
Jan. 14—Permits installation of devices established as safe and effective by experience and technological developments for use in the distribution of public water supplies.

Jan. 14—Agric Cons & Econ Dev. Com.  
Jan. 21—Reported, 2nd reading.  
Jan. 28—Passed in Assembly.  
Feb. 4—Received in Senate.  
Feb. 4—Agric, Cons & Econ Dev Com.  
May 20—Reported, 2nd reading.

**A 303 Koenig, Keith, Werner**  
Jan. 21—Prohibits cash discounts or the use of trading stamps by a person selling motor fuels.  
Jan. 21—Business Affairs Com.

**A 304 Biber, Krueger, Keith**  
Jan. 21—Permits an attorney to commence action for the recovery of fees, charges and disbursements from their clients by forwarding a copy of same, by certified or registered mail, in a sealed envelope with proper postage prepaid and return receipt requested, to the client or his legal representative at his last known address.  
Jan. 21—Judiciary Com.

**A 305 Biber, Wegner, Savino**  
Jan. 21—Provides that fishing clubs operated on private waters may be subjected to licensing requirements; effective January 1, 1964.  
Jan. 21—Agric. Cons & Econ Dev Com.  
Feb. 4—Reported, 2nd reading.  
Mar. 25—Lost in Assembly.  
Mar. 25—Laid over.

**A 306 Sarcone, McGowan, Meloni**  
Jan. 21—Permits medical service corporations to issue master group contracts to employers and other policyholders.  
Jan. 21—Business Affairs Com.

**A 307 Rimm, Smith, Kay**  
Jan. 21—Provides for the service of a motor vehicle process on a former resident of the State.  
Feb. 4—Passed in Assembly.  
May 6—Passed in Senate.  
Dec. 9—Approved, Chapter 163.

FROM OF THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 12, 1979

KATHRYN FORSYTH

Acting Governor Christopher J. Jackman today signed a bill which clarifies the duty status and authority of the Chief of Staff of the Department of Defense to order, under the Governor's direction, members of the New Jersey National Guard and necessary supporting equipment to active state service with or without pay in times of emergency.

The bill, A-3182, was sponsored by Assemblyman Charles Mays, Sr., (D-Hudson). Jackman signed the bill in his room in Riverside Hospital.

In the past, many national guardsmen have volunteered to provide assistance during snowstorms, flooding and other emergencies, and under prior law there were liability and other problems concerning the legal status of the guardsmen who volunteered to serve without pay during these times.

Under this bill, the Chief of Staff has the authority to activate these volunteers, giving them the same rights, benefits, privileges, protections and immunities that they would have if they were ordered to active duty with pay.

The bill will enable the National Guard to more promptly and effectively respond to emergency needs and assist in the protection of public health, safety and welfare. It will protect the volunteers and give the Chief of Staff more flexibility to deal with emergencies.

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