

AN ACT concerning State government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Military Code of Illinois is amended by changing Sections 7, 8, 14, 15, 20, 20.5, 22-10, 24, 28, 28.6, 30.10, 40, 42, 43, 58, 65, and 92 as follows:

(20 ILCS 1805/7) (from Ch. 129, par. 220.07)

Sec. 7. The Organized Militia shall consist of the Illinois National Guard. There shall be no racial segregation nor shall there be any unlawful discrimination in the service of any detachment, company, regiment, division, department or any other subdivision of the Illinois National Guard ~~because of race, creed or color.~~

(Source: P.A. 85-1241.)

(20 ILCS 1805/8) (from Ch. 129, par. 220.08)

Sec. 8. The personnel strength of the Organized Militia shall be in accordance with tables and authorizations provided by the U.S. Departments of the Army and the Air Force for the U.S. Army and Air National Guard, respectively. ~~In time of peace the strength of the Organized Militia shall not be less than 6,000 and not more than 45,000 officers, warrant officers and enlisted personnel.~~

~~The Governor as Commander in Chief shall have power in case of war, insurrection, invasion or imminent danger thereof, to increase the forces beyond the 45,000 and organize them as the exigencies of the service may require.~~

(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/14) (from Ch. 129, par. 220.14)

Sec. 14. The Commander-in-Chief shall appoint from the active officers of the Illinois National Guard, The Adjutant General, ~~Chief of Staff~~, with the grade of Major General. The appointment of the Adjutant General shall be for a term expiring on the 3rd Monday in January, 1971, and in each odd-numbered year thereafter. The Adjutant General shall serve as both the Director of the Department of Military Affairs and as the Commander of the Illinois National Guard.

(Source: P.A. 98-694, eff. 7-3-14.)

(20 ILCS 1805/15) (from Ch. 129, par. 220.15)

Sec. 15. Assistant Adjutants General.

(a) The Commander-in-Chief shall appoint from the active officers of the Illinois National Guard, a full-time ~~an~~ Assistant Adjutant General for Army and a full-time ~~an~~ Assistant Adjutant General for Air each with a grade not to exceed Major General. Each of the Assistant Adjutants General shall be appointed for a term coinciding with the term provided for the Adjutant General in Section 14, and shall serve with

the compensation and responsibilities as designated in this Act.

(a-5) (Blank). ~~The Commander-in-Chief shall appoint from the active officers of the Illinois National Guard an Assistant Adjutant General to serve as head of the Division of Family Affairs within the Department of Military Affairs, with a grade not to exceed Major General. The Assistant Adjutant General shall be appointed for a term coinciding with the term provided for the Adjutant General in Section 14, and shall serve with the compensation and responsibilities as designated in this Code.~~

(b) The Commander-in-Chief may also appoint additional Assistant Adjutants General for Army and such additional Assistant Adjutants General for Air with the grades not to exceed those authorized for the positions in the Joint Force Headquarters of the Illinois National Guard.

(Source: P.A. 96-94, eff. 7-27-09.)

(20 ILCS 1805/20) (from Ch. 129, par. 220.20)

Sec. 20. There is hereby established in the Executive Branch of the State Government, a principal department which shall be known as the Department of Military Affairs. The Department of Military Affairs shall consist of The Adjutant General, ~~Chief of Staff~~; an Assistant Adjutant General for Army; an Assistant Adjutant General for Air; and the number of military and civilian employees required. It is the channel of

communication between the Federal Government and the State of Illinois on all matters pertaining to the State military forces.

(Source: P.A. 85-1241.)

(20 ILCS 1805/20.5)

Sec. 20.5. Division of Family Affairs. Subject to appropriations for this purpose, the ~~The~~ Division of Family Affairs is created as a Division within the Department of Military Affairs. ~~The head of the Division shall serve as an Assistant Adjutant General.~~ The Division shall assist family members of military members who are mobilized or in service abroad. This assistance shall include, but need not be limited to, advocacy to help such family members access all available State services that are provided through the Department or any other State agency.

(Source: P.A. 96-94, eff. 7-27-09.)

(20 ILCS 1805/22-10)

Sec. 22-10. Notice of provisions of Service Member's Employment Tenure Act. Whenever a member of the Illinois National Guard is called to active military duty ~~pursuant to a declaration of war by the Congress or by the President under the War Powers Act or by the Governor in time of declared emergency or for quelling civil insurrection,~~ the Adjutant General shall ensure that the member is briefed on

~~expeditiously given written notice of~~ the provisions of Sections 4 and 4.5 of the Service Member's Employment Tenure Act.

(Source: P.A. 94-162, eff. 7-11-05.)

(20 ILCS 1805/24) (from Ch. 129, par. 220.24)

Sec. 24. The Adjutant General shall have charge of all correspondence and the records thereof pertaining to his office, and shall file for record all returns of troops, and all reports and records of field service, drills and ~~camp~~ of instruction, and of all active service performed by troops of the State in service of the State or of the United States.

(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/28) (from Ch. 129, par. 220.28)

Sec. 28. When the Commander-in-Chief proclaims a time of public danger or when an emergency exists. The Adjutant General may purchase or authorize the purchase of stores and supplies in accordance with the emergency purchase provisions in the Illinois Procurement Code ~~the open market sufficient for the needs of the emergency then existing without requiring proposals and without advertising for the same.~~

(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/28.6)

Sec. 28.6. Policy.

(a) A member of the Army National Guard or the Air National Guard may be ordered to funeral honors duty in accordance with this Article. ~~That member shall receive an allowance of \$100 for any day on which a minimum of 2 hours of funeral honors duty is performed.~~ Members of the Illinois National Guard ordered to funeral honors duty in accordance with this Article are considered to be in the active service of the State for all purposes except for pay, and the provisions of Sections 52, 53, 54, 55, and 56 of the Military Code of Illinois apply if a member of the Illinois National Guard is injured or becomes a person with a disability in the course of those duties.

(b) The Adjutant General may provide support for other authorized providers who volunteer to participate in a funeral honors detail conducted on behalf of the Governor. This support is limited to transportation, ~~reimbursement for transportation, expenses, materials,~~ and training.

(c) On or after July 1, 2006, if the Adjutant General determines that Illinois National Guard personnel are not available to perform military funeral honors in accordance with this Article, the Adjutant General may authorize another appropriate organization to provide one or more of its members to perform those honors and, subject to appropriations for that purpose, shall authorize the payment of a \$100 stipend to the organization.

(Source: P.A. 99-143, eff. 7-27-15.)

(20 ILCS 1805/30.10)

Sec. 30.10. Definitions. In this Article:

"National Guard" has the definition provided by federal law at 10 U.S.C. 101(c).

"Illinois National Guard" has the definition provided in Sections 5 and 7 of this Code.

"Federal active duty under Title 10 of the United States Code" means active federal service of members of the National Guard pursuant to any provision of Chapter 1209 of Title 10 of the United States Code.

"Training or duty under Title 32 of the United States Code" means active or inactive National Guard training or duty performed pursuant to Chapter 5 of Title 32 of the United States Code and pursuant to the orders of the Governor.

"State Active Duty" means National Guard duty performed in the active service of any state or United States territory or commonwealth in accordance with that jurisdiction's laws and pursuant to the orders of the Governor concerned and the full-time duty of the Adjutant General and Assistant Adjutants General as provided in Section 17 of this Code. It does not refer to active duty performed pursuant to Chapter 5 of Title 32 of the United States Code and pursuant to the orders of the Governor.

"Political subdivision" means any unit of local government or school district.

(Source: P.A. 92-716, eff. 7-24-02.)

(20 ILCS 1805/40) (from Ch. 129, par. 220.40)

Sec. 40. Except where otherwise specified herein, all officers now in active service or hereafter appointed, shall hold their respective commissions until they are vacated by resignation or retirement, or by acceptance of another commission in the State military service, or by sentence of a general courts-martial, approved finding of a board of officers under Section 42, Article VIII, approved finding of a board of officers convened pursuant to federal regulations in which the board recommends withdrawal of federal recognition of the officer's commission, or terminated under Section 43, Article VIII hereof. Federal recognition with commission in the National Guard of the United States is established as a requirement for holding commission in the active National Guard of Illinois; the commission of an officer in the National Guard of Illinois will be terminated upon failure to obtain or retain Federal recognition.

(Source: P.A. 85-1241.)

(20 ILCS 1805/42) (from Ch. 129, par. 220.42)

Sec. 42. Whenever a recommendation is made pursuant to the provisions of the preceding Section and such recommendation is approved by superior commanders, it shall be within the discretion of the Adjutant General ~~the duty of the Commander in Chief~~ to convene a board of not less than three

nor more than five commissioned officers all superior in rank or date of rank to the officer or enlisted member facing investigation , ~~at least one of whom shall be a medical officer,~~ to examine into the matter of such recommendation and the desirability and qualifications of the officer or enlisted member who is the subject thereof, and to report its findings and recommendations to the ~~Commander in Chief through The~~ Adjutant General. If the board finds such officer to be undesirable and such findings are approved by the Adjutant General ~~Commander in Chief~~, then the commission of such officer or enlistment of such soldier or airman, in the Organized Militia, shall be terminated.

(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/43) (from Ch. 129, par. 220.43)

Sec. 43. When an officer is absent without leave from four consecutive unit training assemblies ~~ordered armory drills~~ or the annual training ~~Field Training~~ period such officer's commission shall be terminated.

(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/58) (from Ch. 129, par. 220.58)

Sec. 58. The Commander-in-Chief may ~~shall~~ require that a bond in a suitable amount, payable to the People of the State of Illinois, shall be given by an approved surety company for any officer accountable for public property, for its proper

care and use as provided herein or by regulations, and for its return upon demand of competent authority in good order and condition, fair wear and tear and unavoidable loss excepted, subject to the recommendations of a survey, approved by The Adjutant General. Provided, however, that The Adjutant General with the approval of the Governor, may obtain an adequate indemnity bond covering all or part of the officers so accountable or responsible, in which case the officers so covered shall not be required to furnish individual bonds as hereinbefore provided. The charges and expenses of all bonds provided for in this Act shall be paid by the State. Upon the violation of any of the conditions of any bond executed and delivered under the provisions of this Section, action thereon shall be brought by the Attorney General on behalf of the State. It shall be the duty of the Attorney General of the State to prosecute all actions upon such bonds.

(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/65) (from Ch. 129, par. 220.65)

Sec. 65. Subject to such reasonable regulations as may be promulgated by the Adjutant General, the use and rental of armories may be permitted for any reasonable and legitimate civilian activities so long as the activities do not interfere with their use for military purposes. Proceeds received from rentals, ~~above the expenses incident to the use,~~ will be placed in the National Guard Construction Fund ~~an "Armory Rental~~

~~Account" by the Adjutant General and used for recruiting, athletic, and recreational activities and other purposes in the interest and for the benefit of the personnel of the Illinois National Guard. Expenditures of those proceeds must be made on a modified per capita basis with due consideration given to the proportion of each armory's generation of revenue, as determined by the Adjutant General.~~

(Source: P.A. 92-252, eff. 8-3-01.)

(20 ILCS 1805/92) (from Ch. 129, par. 220.92)

Sec. 92. The proceedings, recommendations and findings of any board convened by order of the Commander-in-Chief, under provisions of this act, shall be confidential and publication of any such findings or recommendations shall be made only by and through the Commander-in-Chief or the Adjutant General ~~his Chief of Staff~~. Any officer or member of such board, who without authority communicates information pertaining to the proceedings, recommendations or findings to any person or agency other than as herein provided shall be punished as a court-martial may direct.

(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/12 rep.)

(20 ILCS 1805/13 rep.)

(20 ILCS 1805/30 rep.)

(20 ILCS 1805/97 rep.)

(20 ILCS 1805/98 rep.)

Section 10. The Military Code of Illinois is amended by repealing Sections 12, 13, 30, 97, and 98.

Section 15. The Service Member's Employment Tenure Act is amended by changing Section 3 as follows:

(330 ILCS 60/3) (from Ch. 126 1/2, par. 31)

Sec. 3. Definitions. The term "persons in the military service", as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard and all members of the State Militia called into the service or training of the United States of America or of this State. The term "military service", as used in this Act, shall signify Federal service or active duty with any branch of service heretofore referred to as well as training or education under the supervision of the United States preliminary to induction into the military service. The term "military service" also includes any period of active duty with the State of Illinois pursuant to the orders of the President of the United States or the Governor. The term "military service" also includes any period of active duty by members of the National Guard who are called to active duty pursuant to an order of the Governor of this State or an order of a governor of any other state as provided by law. The term

"military service" also includes the full-time duties of the Adjutant General and Assistant Adjutants General under Section 17 of the Military Code of Illinois.

The foregoing definitions shall apply both to voluntary enlistment and to induction into service by draft or conscription.

The term "political subdivision", as used in this Act, means any unit of local government or school district.

(Source: P.A. 99-88, eff. 7-21-15.)

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Statutes amended in order of appearance

20 ILCS 1805/7	from Ch. 129, par. 220.07
20 ILCS 1805/8	from Ch. 129, par. 220.08
20 ILCS 1805/14	from Ch. 129, par. 220.14
20 ILCS 1805/15	from Ch. 129, par. 220.15
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