

By: Representatives Carpenter, Stamps, Hale, Paden To: Military Affairs

HOUSE BILL NO. 1180

1 AN ACT TO AMEND SECTION 33-7-119, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT WHENEVER ANY FEDERALLY RECOGNIZED OFFICER OR
3 ENLISTED MEMBER OF THE MISSISSIPPI NATIONAL GUARD IS UNABLE TO
4 MAINTAIN FEDERAL RECOGNITION, HE SHALL BE PLACED ON THE RETIRED
5 LIST OF THE MISSISSIPPI NATIONAL GUARD; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 33-7-119, Mississippi Code of 1972, is
8 amended as follows:

9 33-7-119. (1) There shall be a retired list of officers and
10 enlisted men who have served with honor or distinction on the
11 active list of the Mississippi National Guard, and all officers
12 and enlisted men placed on the retired list shall remain thereon
13 unless returned to the active list by the Governor or dismissed by
14 a sentence of a court-martial. No officer or man on the retired
15 list shall be required to perform any military duty whatsoever,
16 but the Governor may, with their consent, detail officers and men
17 on the retired list for recruiting duty, for duty on
18 courts-martial, or for such other duty as they may be qualified.
19 Officers and men on the retired list will be entitled to wear



20 uniforms of their grade, and they shall be amenable to military
21 laws and regulations and may be tried by courts-martial for
22 military offenses as if on the active list.

23 (2) Federally recognized officers and enlisted men of the
24 National Guard of Mississippi shall be retired by order of the
25 commander in chief with a promotion of one (1) grade, effective
26 the date of retirement by action of the Adjutant General, upon
27 receipt of the recommendation of the commanding officer of such
28 retiring officer or enlisted man and upon completion of twenty
29 (20) or more years of honorable service in the National Guard of
30 Mississippi, the Armed Forces of the United States, or reserve
31 components thereof, provided that any such officer or enlisted man
32 shall be retired in the highest grade held, without promotion,
33 unless the last sixty (60) months of such service was in a
34 federally recognized status in the Mississippi National Guard or
35 on active duty with the Armed Forces of the United States. Any
36 warrant officer holding the grade of highest chief warrant officer
37 shall, upon retirement, be retired in that grade. Any enlisted
38 man holding the highest authorized enlisted grade shall, upon
39 retirement, be retired in that grade.

40 (3) Whenever any federally recognized officer or enlisted
41 man * * * is unable to maintain federal recognition, he shall be
42 placed on the retired list.

43 (4) When any officer or enlisted man becomes permanently
44 disabled or is physically disqualified for the performance of



45 military duty by reason of wounds, injuries or illness, he may,
46 upon his own application or in the discretion of the commander in
47 chief, be ordered before a retiring board for examination as to
48 his physical fitness for military service and, upon the
49 recommendation of such board, may be placed upon the retired list.
50 However, no officer or enlisted man shall be so placed upon the
51 retired list because of physical disabilities which are the result
52 of intemperance or improper habits or conduct upon his part.

53 For the purposes indicated under the preceding paragraph of
54 this subsection (4), the commander in chief may appoint retiring
55 boards, which shall be constituted and have cognizance of the same
56 subjects and possess like powers as similar boards organized under
57 the laws of the Armed Forces of the United States. The
58 proceedings of retiring boards shall be assimilated to the forms
59 and mode of procedure prescribed for like boards under the
60 regulations for the Armed Forces of the United States.

61 (5) A place on the retired list being a distinction given
62 only in recognition of long and meritorious service, no officer or
63 enlisted man will ever be retired whose service has not been
64 honest and faithful. No officer or soldier will be retired as a
65 means of punishment.

66 (6) An officer upon the retired list who accepts a
67 commission or warrant in the active militia or in the organized
68 reserves of any component of the Armed Forces of the United States
69 may, at any time, upon his own application, be placed upon the



70 retired list with the rank with which he formerly retired.
71 However, if his latest service in the active militia or in the
72 organized reserves of any component of the Armed Forces of the
73 United States was in a grade higher than that with which he was
74 originally retired, he may be given such higher grade. An officer
75 who has been retired with the increased rank under this article
76 will not be returned to the active list with his increased rank,
77 but with the same rank held on the active list at the time of
78 retirement.

79 **SECTION 2.** This act shall take effect and be in force from
80 and after July 1, 2022.

