

By: Senator(s) Seymour, Parker, Branning

To: Veterans and Military
Affairs; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2649

1 AN ACT TO AMEND SECTION 33-7-119, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR THE PLACEMENT OF CERTAIN FEDERALLY RECOGNIZED
3 OFFICERS OR ENLISTED MEN ON THE MISSISSIPPI NATIONAL GUARD RETIRED
4 LIST; AND FOR RELATED PURPOSES.

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

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

8 33-7-119. (1) There shall be a retired list of officers and
9 enlisted men who have served with honor or distinction on the
10 active list of the Mississippi National Guard, and all officers
11 and enlisted men placed on the retired list shall remain thereon
12 unless returned to the active list by the Governor or dismissed by
13 a sentence of a court-martial. No officer or man on the retired
14 list shall be required to perform any military duty whatsoever,
15 but the Governor may, with their consent, detail officers and men
16 on the retired list for recruiting duty, for duty on
17 courts-martial, or for such other duty as they may be qualified.
18 Officers and men on the retired list will be entitled to wear
19 uniforms of their grade, and they shall be amenable to military



20 laws and regulations and may be tried by courts-martial for
21 military offenses as if on the active list.

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

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

42 (4) When any officer or enlisted man becomes permanently
43 disabled or is physically disqualified for the performance of
44 military duty by reason of wounds, injuries or illness, he may,



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

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

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

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



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

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

