

Missouri State Public Safety and Civil Defense Activation Act of 2025

Section 1. Title

This Act shall be known as the “**Missouri State Public Safety and Civil Defense Activation Act of 2025.**”

Section 2. Legislative Findings & Constitutional Necessity

1. Article III, Section 46 of the Missouri Constitution and Missouri Revised Statutes §§ 41.050, 41.110, 41.490, 41.700, 84.200, and 57.119 authorize and obligate the State to organize, regulate, and activate militia, sheriff’s posses, and defense forces to preserve public safety, execute laws, and repel invasions.
 2. Recent **federal overreach, discriminatory social justice schemes, and organized coercive efforts** have disrupted constitutional order, impeded law enforcement authority, and in some cases fostered open defiance of lawful governance under the guise of newly claimed “rights.”
 3. The Missouri Legislature reaffirms that under **Washington v. Glucksberg** (1997), **McDonald v. Chicago** (2010), and **Dobbs v. Jackson Women’s Health** (2022), only rights *deeply rooted in this Nation’s history and tradition and implicit in ordered liberty* merit constitutional protection under the Due Process Clause.
 4. The Missouri Legislature declares this Act necessary to:
 - Reaffirm Sheriffs’ oath obligations to the U.S. and Missouri Constitutions;
 - Activate dormant statutory powers for civil defense and public safety;
 - Ensure forces serve **constitutionally protected rights** while rejecting modern coercive or ahistorical policy claims masquerading as rights.
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Section 3. Constitutional Enablement & Oath Obligations

1. **Sheriffs’ Constitutional Duty**
 - a. All Sheriffs take an oath to support and defend the U.S. Constitution and the Constitution of Missouri above any statute, regulation, or court order conflicting with constitutional guarantees.

b. Where a Sheriff in good faith finds such a conflict, the Sheriff may decline enforcement pending constitutional adjudication.

2. **“Glucksburg Test” Supreme Court Precedents**

a. *Washington v. Glucksberg* (1997): Only rights deeply rooted in history and tradition merit fundamental protection.

b. *McDonald v. Chicago* (2010): Reaffirmed Glucksberg test when incorporating the Second Amendment.

c. *Dobbs v. Jackson Women’s Health* (2022): Overturned *Roe v. Wade*, rejecting novel rights claims lacking historical basis.

3. **Application Here**

Forces activated under this Act shall defend only those rights meeting the historical and traditional standard affirmed in these decisions, rejecting coercive or novel policy schemes inconsistent with constitutional order.

Section 4. Activation Mandates

1. Within **90 days**:

- Governor issues statewide recruitment call for the State Auxiliary Civil Defense Force under § 41.490.
- County Sheriffs issue recruitment calls for Sheriff’s Posse Reserves under §§ 57.119 and 84.200.

2. Within **180 days**:

- Initial vetting, inspections, and training statewide.
- At least three **pilot counties** conduct demonstration deployments.

3. Within **12 months**:

- Every county conducts one **annual activation drill**.
- Governor submits **Annual Readiness Report** to the Legislature covering recruitment, training, expenditures, deployments.

Section 5. Recruitment, Vetting, Summons & Penalties

1. **Eligibility:** All able-bodied citizens/residents aged 17–64 (§ 41.050) unless exempted by law.
 2. **Oath:** Loyalty to U.S. and Missouri Constitutions required for enrollment.
 3. **Background Checks:** Criminal history, mental health (as permitted by law), extremist affiliations.
 4. **Summons:**
 - By postcard, electronic notice, or personal service.
 - **Failure to appear:**
 - \$1,000 fine for missing enlistment, vetting, training.
 - Class A misdemeanor for refusal during declared emergencies.
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Section 6. Command Structure

1. **Sheriff's Posse Reserves:** Under sole authority of County Sheriffs for local law enforcement augmentation, mass arrests, riot control, and emergency security operations.
 2. **State Auxiliary Civil Defense Force:** Under Governor via Adjutant General for multi-county or statewide emergencies, large-scale deployments, intelligence, logistics, training.
 3. **Mutual Aid Protocols:** Required for unified command across county lines when activated.
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Section 7. Security Infrastructure & Technology

1. Authorized to establish fortified posts, checkpoints, surveillance perimeters, detection systems, and communications centers for declared emergencies.
 2. Funded via state appropriations, federal grants, and emergency funds.
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Section 8. Public Awareness & Model Units

1. Statewide PR campaign for recruitment and public education.

2. Pilot counties demonstrate operational model units within 12 months.
 3. Civic recognition programs for volunteers and employers supporting activation efforts.
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Section 9. Funding & Fiscal Authority

1. Sheriff's Posse Reserves

- Funded by:
 - Fines for failure to appear;
 - Volunteer donations to County Civil Defense Trust Funds;
 - Employer tax credits for releasing workers beyond one workday per month (50% wage credit, capped annually);
 - County stipends for activation days.

2. State Auxiliary Civil Defense Force

- Funded by:
 - Annual State Appropriations;
 - Federal Homeland Security & FEMA grants;
 - Optional Public Safety Surtax or Emergency Bonds for infrastructure;
 - Cost-sharing agreements for multi-county deployments.

3. Emergency Funds

- Governor may access State Disaster Funds or federal relief funds for large-scale activations.
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Section 10. Personnel Structure

1. Sheriff's Posse Reserves:

- Always civic/on-call, unpaid except stipends for activation days.
- Activated for emergencies, major raids, or mass law enforcement actions.

2. State Auxiliary Civil Defense Force:

- May employ **career soldiers and officers** for training, logistics, intelligence, emergency readiness.
- Salaries funded by state appropriations, federal grants, and authorized surtaxes/bonds.
- Part-time reservists serve for training cycles and surge capacity.

3. Employer Incentives:

- Tax credits for employers releasing employees for service;
- Reemployment rights and liability protections similar to USERRA.

Section 11. Oversight & Reporting

1. Civil Defense Oversight Board monitors funding, operations, and complaints.
2. Governor's Annual Readiness Report to the Legislature on all forces, deployments, finances.

Section 12. Enforcement & Penalties

1. \$1,000 fine for failure to appear at activation events.
2. Class A misdemeanor for refusal during declared emergencies.
3. Legislative hearings for state/county officials failing activation mandates.

Appendix A — Missouri Statutory Authorities

- Missouri Constitution, Art. III, Sec. 46
- § 41.050 – Militia definitions
- § 41.110 – Organization & government of state defense force
- § 41.490 – Governor's authority to organize unorganized militia
- § 41.700 – Liability protections
- § 84.200 – Sheriff's duty to preserve peace
- § 57.119 – Sheriff's posse authority

Appendix B — U.S. Supreme Court Precedents on Rights

Case	Holding	Citation
<i>Washington v. Glucksberg</i> (1997)	Substantive due process protects only rights deeply rooted in history/tradition, essential to ordered liberty.	521 U.S. 702
<i>McDonald v. Chicago</i> (2010)	Reaffirmed <i>Glucksberg</i> test; Second Amendment incorporated vs. states; fundamental rights = history/tradition.	561 U.S. 742
<i>Dobbs v. Jackson Women's Health</i> (2022)	Applied <i>Glucksberg</i> test; overturned <i>Roe</i> ; modern policy claims lacking history/tradition not fundamental.	597 U.S. —

Section 13. Effective Date

This Act takes effect **immediately upon passage** and signature by the Governor.