

§225. Enrollment other than National Guard

1. Citizen enrollment; penalty for noncompliance. Each citizen who is more than 18 years of age and less than 45 years of age, unless exempted by order of the Governor, who is a resident of this State, must, whenever the Governor considers it necessary, be enrolled with the militia. Each citizen must be enrolled in the municipality in which the citizen resides by the assessor or assessors for that municipality according to rules that the Governor may prescribe.

Any person knowingly refusing to give required information concerning that person or another person who is required to be enrolled, or giving false information to an assessor making the enrollment, is for each act of concealment, refusal or falsification guilty of a Class E crime. Within 10 days, the assessor making the enrollment shall report all persons violating this subsection to the Adjutant General. [RR 2019, c. 1, Pt. B, §17 (COR).]

2. Exemptions. The Vice-President of the United States; judicial and executive officers of the government of the United States and of the several states and territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail, artificers and workers employed in the armories, arsenals and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, are exempt from militia duty without regard to age. All persons, who because of religious belief, claim exemption from militia service, if the conscientious holding of that belief by that person is established under regulations prescribed by the President, are exempted from militia service in a combatant capacity. A person exempted because of religious beliefs is not exempt from militia service in a capacity that the President declares to be noncombatant. [RR 2019, c. 1, Pt. B, §17 (COR).]

3. Burden of proof in exemption. Any person claiming exemption shall satisfy the assessor of the person's right to the exemption. In case of doubt, the burden of proof is upon the person claiming exemption. The assessor may require the person to submit to examination under oath and may administer the oath. [RR 2019, c. 1, Pt. B, §17 (COR).]

4. Responsibilities of assessor and clerk; penalty for failure to perform. On the roll, opposite the name of each person who is exempt from duty under subsection 2, or who is serving in the active state or federal military forces, or who is unable by reason of physical disability to perform military duty, the assessor shall write the word "exempt" and state in each case the cause of the exemption. The assessor shall subscribe the list and make oath that the list is true to the best of the assessor's knowledge and belief, and shall immediately file the list with the clerk of the municipality. Within 10 days, the clerk shall make a certified statement of the total number enrolled, the number marked exempt with the reason for exemption and the number in active service. The clerk shall forward the statement to the Military Bureau. Any assessor neglecting or refusing faithfully to perform the enrolling duties required by law, making a false entry upon the rolls or committing any other related fraud and any clerk neglecting to make and forward the statement required is guilty of a Class E crime. [RR 2019, c. 1, Pt. B, §17 (COR).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). RR 2019, c. 1, Pt. B, §17 (COR).

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