

# Prohibiting Private Armies at Public Rallies

A Catalog of Relevant State Constitutional and Statutory Provisions

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# Executive Summary

## Background

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The pitched, battle-like atmosphere and tragic violence at the Unite the Right rally in Charlottesville, Virginia, on August 12, 2017, marked a turning point in this country and caused grief and alarm nationwide. Touted as an opportunity to protest the removal of a controversial Confederate statue, the event quickly escalated well beyond constitutionally protected expression. Instead, private military forces transformed the college town into a virtual combat zone.

Several white nationalist groups arrived outfitted in helmets and matching uniforms and deployed shields, batons, clubs, and flagpoles as weapons in skirmishes with counter-protesters—conflicts that the instigating groups coordinated under centralized command structures. Meanwhile, private militia groups, many dressed in camouflage fatigues, tactical vests, helmets, and combat boots, and most bearing assault rifles, stood guard as self-designated protectors of the protesters and counter-protesters. The heavily armed presence and coordinated paramilitary activities of all of these groups not only increased the prevalence of violence at the rally, but also made it more dangerous for state and local law enforcement to maintain public safety. Moreover, the attire and behavior of some of the self-professed militia members caused confusion as to who was authorized to lawfully keep the peace.

Unfortunately, the Unite the Right rally was only the beginning. Private paramilitary activity has continued to escalate, reaching dangerous levels in 2020, as paramilitary actors engaged in armed assaults on statehouses in opposition to COVID-19 public safety measures and usurped the authority of law enforcement in response to racial-justice protests in the wake of the murders of George Floyd and Breonna Taylor. At these events, heavily armed unlawful private militias intimidated and interfered with the exercise of constitutional rights and participation in democratic processes. Their presence led to incidents of violence, injuries, and deaths.

Armed extremist groups were further encouraged to enter the public square by then-President Donald Trump's apparent invitation to his paramilitary supporters to "stand back and stand by" during the 2020 election season. Following his defeat, the protracted campaign to "stop the steal" led to unprecedented coordination between extremist paramilitary groups and a broader universe of traditional political actors. The legitimization of paramilitary organizations like the Proud Boys and the Oath Keepers helped them mount a large-scale, premeditated assault on the Joint Session of Congress on January 6, 2021, resulting in significant damage to the U.S. Capitol, hundreds of injuries, and multiple deaths. Although the January 6th attack involved violence from many actors who were unaffiliated with paramilitary groups, organized extremists were instrumental in plotting and executing the breach of the Capitol complex, as the criminal convictions of key organizers of these groups have since demonstrated.

Under pressure from massive numbers of federal prosecutions and increased public awareness of the dangers paramilitary actors pose to democratic self-government, armed extremists adopted a more localized strategy to pursue their agenda following the January 6th attack. In recent years, paramilitary actors across the country have organized to interfere with and threaten local LGBTQ+ events like Pride parades and drag performances; to mobilize against racial and gender inclusivity in school curricula; to monitor ballot drop boxes and ballot processing centers; and to patrol the southwest border.



As threats of organized paramilitary activity by armed extremists have proliferated, Georgetown University Law Center’s Institute for Constitutional Advocacy and Protection (ICAP) has been at the forefront of using innovative legal strategies to combat these vigilante threats to public safety.

On October 12, 2017, ICAP, along with local counsel, filed [suit](#) on behalf of the City of Charlottesville, local businesses, and neighborhood associations in order to prevent the self-proclaimed militias and white nationalist groups from returning to Charlottesville and engaging in prohibited paramilitary conduct. The lawsuit alleged that the defendants violated Virginia constitutional and statutory law that protect against private armies and paramilitary activity—laws intended to reinforce the fundamental tenet of civil society that the government must maintain a monopoly on the legitimate use of force for the protection of public safety. ICAP’s lawsuit drew on precedent: in the 1980s, relying on the anti-militia provisions of Texas and North Carolina law, private plaintiffs successfully brought suits to prevent the local militia wings of the Ku Klux Klan from using paramilitary tactics against minority groups.<sup>1</sup> And ICAP’s suit was successful, resulting in court orders permanently enjoining the defendants from returning to Charlottesville as part of a group of two or more people acting in concert while armed with any item whose purpose is for use as a weapon during any rally, protest, demonstration, or march.<sup>2</sup>

Following this lawsuit, ICAP has become a key resource for government officials and community members facing threats from unlawful paramilitary activity. ICAP has consulted with numerous localities across the country, large and small, seeking to protect public safety while preserving constitutional rights. We have assisted in identifying relevant state laws and using those laws to impose content-neutral time, place, and manner restrictions at public events where the potential for violence or intimidation is greatest, consistent with the First and Second Amendments to the U.S. Constitution. We have also provided guidance to community organizers as well as law enforcement, empowering them with legal and practical knowledge to best ensure the conditions for safe civic participation. In furtherance of these efforts, ICAP published in 2020 an online legal toolkit, [Protests and Public Safety: A Guide for Cities and Citizens](#), that lays out key legal principles for protecting public safety while preserving constitutional rights.

ICAP also has consulted with federal and state lawmakers who want to expand their statutory tools to take action against unlawful paramilitary activity. ICAP has drafted model comprehensive [legislation](#) to prohibit activity by paramilitary groups that threaten democratic processes and the constitutional rights of others, including by creating civil enforcement mechanisms for government officials and victims of vigilante activity to seek injunctive relief and damages. With ICAP’s support, in 2023, Oregon and Vermont enacted updated prohibitions on paramilitary activity, including new provisions for civil enforcement. These new laws are included in this updated report.

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<sup>1</sup> See *Vietnamese Fishermen’s Ass’n v. Knights of the Ku Klux Klan*, 543 F. Supp. 198 (S.D. Tex. 1982); *Person v. Miller*, 854 F.2d 656 (4th Cir. 1988).

<sup>2</sup> ICAP successfully replicated its Charlottesville litigation in partnership with then-Bernalillo County District Attorney Raúl Torrez, bringing a civil suit against a local unlawful private militia that self-deployed, heavily armed, ostensibly to protect a statue of a Spanish conquistador in Albuquerque, New Mexico, during protests in 2020. As in the Charlottesville case, this litigation resulted in injunctions in October 2022 that prohibit the group and its members from operating as an unauthorized military unit or assuming the functions of law enforcement at public gatherings.

## Findings

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This report identifies, for each of the 50 states, constitutional and statutory provisions relevant to paramilitary and private militia activity. Importantly, each state has at least one constitutional or statutory provision that applies to unauthorized private paramilitary activity.

ICAP has categorized the relevant state laws into four groups: (1) constitutional provisions requiring the subordination of the military to civilian authorities; (2) statutes restricting unauthorized private militia activity; (3) anti-paramilitary-activity criminal laws; and (4) prohibitions on the false assumption of the uniform or duties of a peace officer or member of the military. The report describes these categories in more detail below and notes which states have laws falling into each category. Following that summary is a chart listing each state's relevant provisions, and finally each constitutional or statutory provision in full, organized by state. The chart also includes annotations of relevant case law.

In gathering these laws in one place, ICAP hopes to bring to the attention of states and localities a fuller range of tools on which to draw in preparing for and responding to rallies and other public events that raise public safety concerns. Although ICAP's Charlottesville lawsuit sought injunctive relief as an important tool for preventing repeated unlawful paramilitary activity, these state laws also can be used proactively by localities across the country as a basis for lawful time, place, and manner restrictions designed to minimize violence at future rallies.

This report does not purport to catalog the wide range of additional statutes that may limit, within constitutional bounds, the behavior of those who plan, attend, and protest at rallies and other public events. Nor does the report address statutes that restrict the possession of firearms or limit local regulation of firearms, which also may be relevant to such events.<sup>3</sup> The report merely seeks to highlight four relevant categories of law that might otherwise be overlooked. Moreover, the constitutional provisions and statutes included in this report may not exhaust the universe of state law applicable to paramilitary and private militia activity. To ensure accuracy, completeness, and the most up-to-date language, please consult official sources before relying on any of the statutes in this report.

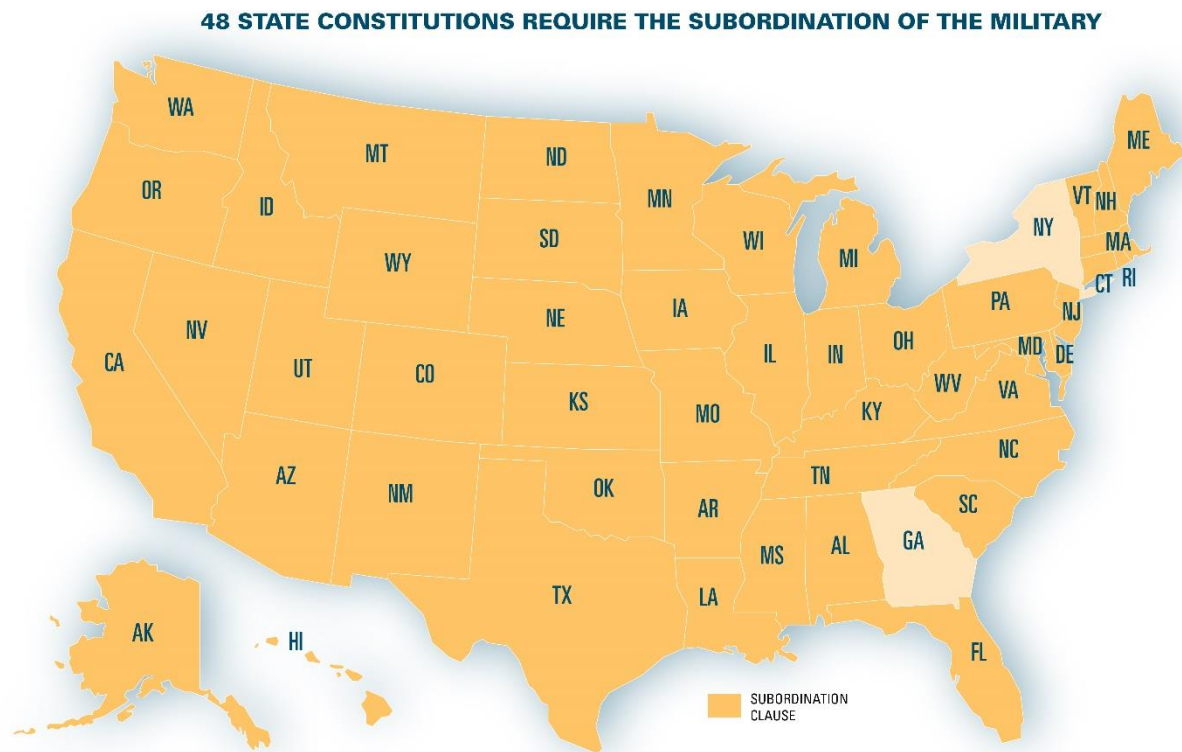
Finally, ICAP extends its sincere thanks to the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, which provided excellent research and technical assistance for the initial edition of this report in 2018, and without whom this report would not have been possible.

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<sup>3</sup> For a searchable, state-by-state overview of gun regulations, see Giffords Law Center, *Browse State Gun Laws*, <https://giffords.org/lawcenter/gun-laws/browse-state-gun-laws/>.

## Constitutional Subordination Clauses

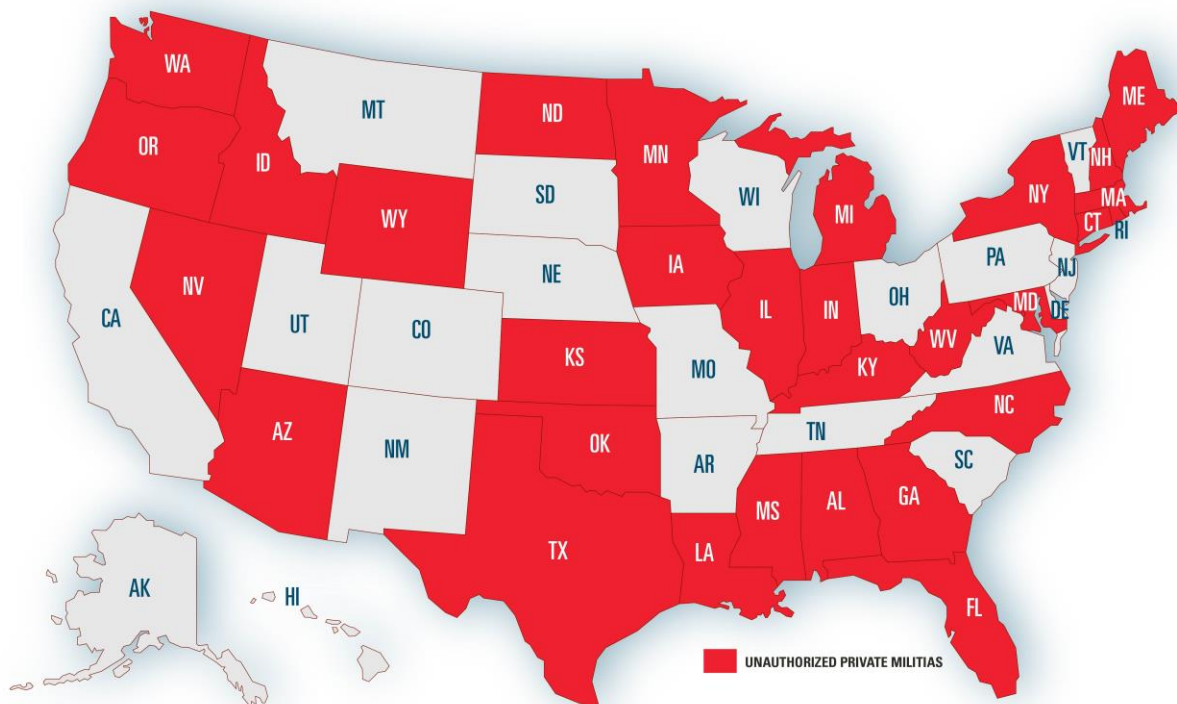
Forty-eight states have constitutional provisions requiring the subordination of the military to civil authorities. The final clause of Article 1, section 13, of the Virginia state constitution is representative of these provisions: “in all cases the military should be under strict subordination to, and governed by, the civil power.” When private armies organize into military-style units that are neither responsible to, nor under the command of, the civil power of the state authorities, they may violate this constitutional command to the detriment of civil order.





Thirty states have statutes that prohibit groups of people from organizing as private military units without the authorization of the state government. These statutes often specifically prohibit such groups from “parading” or “drilling” in public with firearms. New York’s statute is representative: “No body of men other than the organized militia and the armed forces of the United States except such . . . organizations as may be formed under the provisions of this chapter, shall associate themselves together as a military company or other unit or parade in public with firearms in any city or town of this state.” N.Y. Mil. Law § 240. These statutes are criminal laws in most states, although Oregon’s 2023 law provides only for civil remedies, including injunctive relief and damages for victims of paramilitary activity. See Or. Enrolled Bill 2572 §§ (2), (3) (2023).

### 30 STATES PROHIBIT UNAUTHORIZED PRIVATE MILITIAS



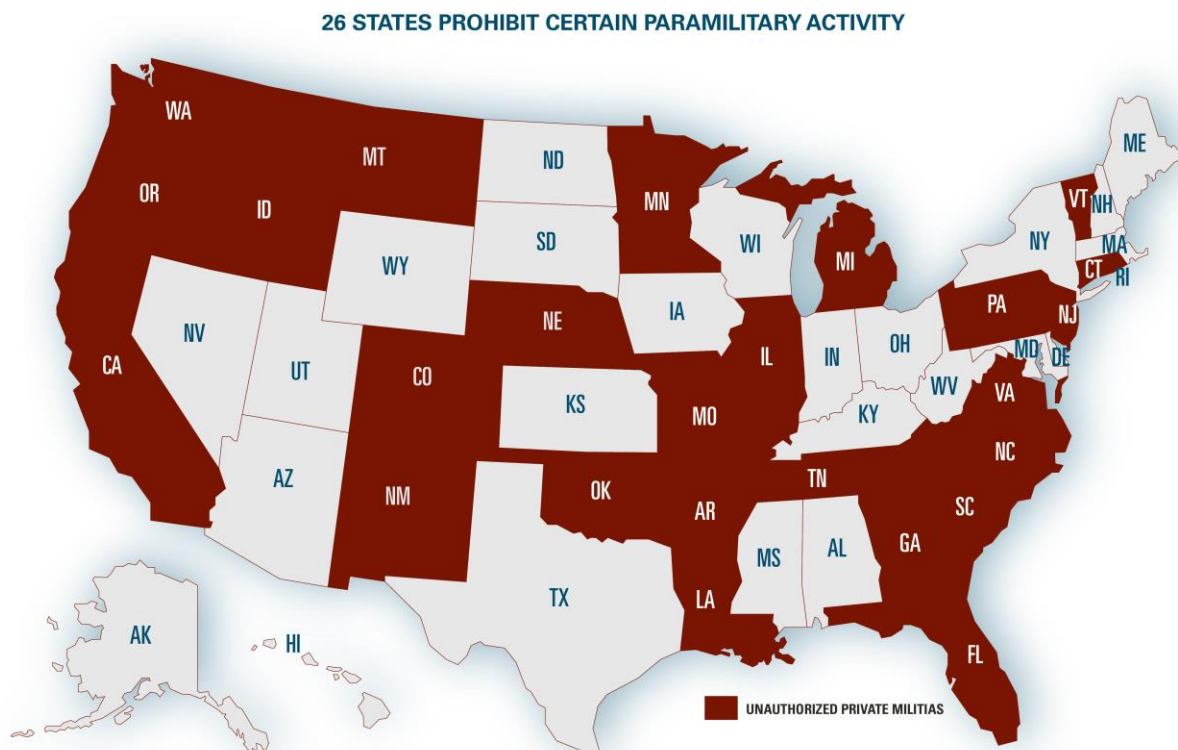
## Paramilitary Activity Prohibitions

Twenty-six states have statutes that criminalize certain paramilitary activity. These laws generally make it illegal for individuals to teach others how to use firearms, explosives, or techniques capable of causing injury or death, or to assemble to train or practice with such firearms, explosives, or techniques, knowing or intending to use them in or in furtherance of a civil disorder. These statutes may create felony or misdemeanor offenses, depending on the jurisdiction, and Vermont's statute also authorizes state officials to seek civil injunctive relief. See Vt. Stat. Ann. tit. 13, § 4073. Colorado's statute is representative:

Any person who teaches or demonstrates to any person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to any person and who knows that the same will be unlawfully used in furtherance of a civil disorder and any person who assembles with one or more other persons for the purpose of training or practicing with, or being instructed in the use of, any firearm, explosive or incendiary device, or technique capable of causing injury or death to any person with the intent to unlawfully use the same in furtherance of a civil disorder commits a class 5 felony.

Colo. Rev. Stat. § 18-9-120(2).

"Civil disorder" generally is defined as a public disturbance involving acts of violence by two or more persons that causes an immediate danger of, or results in, damage or injury to persons or property. This definition likely would cover conduct similar to that witnessed at the Unite the Right rally or the coordinated attack on the U.S. Capitol on January 6, 2021.



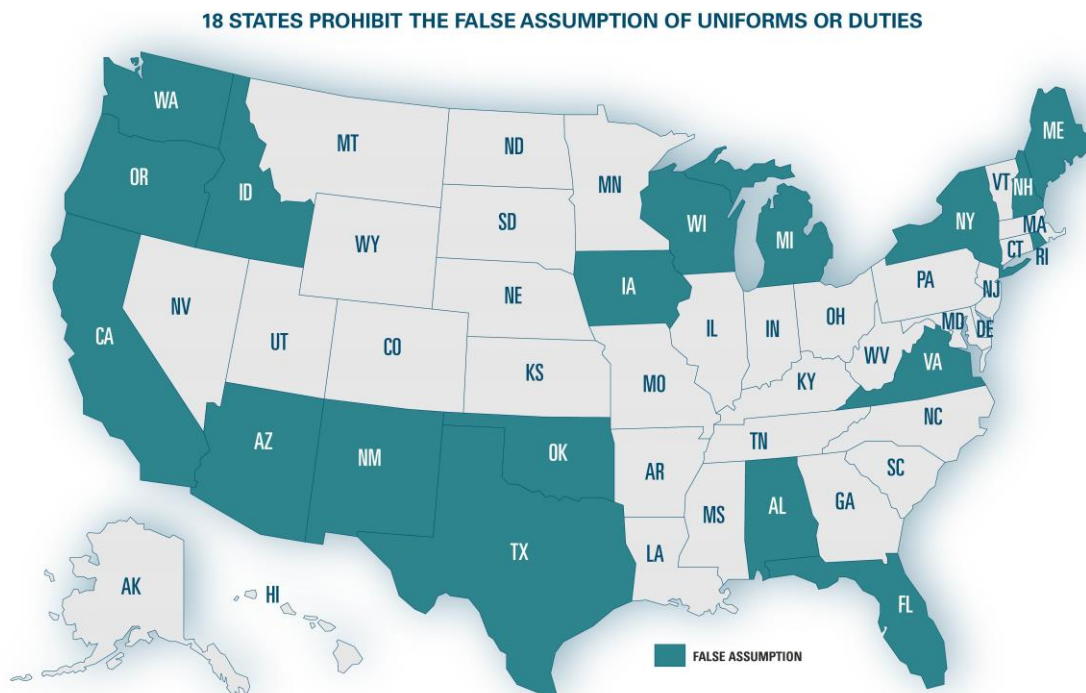
## False Assumption Statutes

As noted above, many of the private militias that attended the Unite the Right rally did so as self-appointed peacekeepers and dressed in uniforms strikingly similar to those worn by the National Guard and the U.S. military—thereby confusing many attendees of the rally, including some government officials. Likewise, many paramilitary groups that showed up at racial justice demonstrations in 2020 purported to be there to “keep the peace” or “protect property.” This report categorizes as “false assumption” laws two types of statutes that apply to this conduct: statutes that bar the false assumption of the duties of a peace officer and statutes that bar the unauthorized wearing of military uniforms, or close imitations thereof. There are 18 states with applicable statutes.

Virginia’s law prohibiting the false assumption of the duties of a law enforcement or peace officer is representative of the first sub-category. It provides: “Any person who falsely assumes or exercises the functions, powers, duties, and privileges incident to the office of sheriff, police officer, marshal, or other peace officer, or any local, city, county, state, or federal law-enforcement officer, or who falsely assumes or pretends to be any such officer, is guilty of a Class 1 misdemeanor.” Va. Code Ann. § 18.2-174.

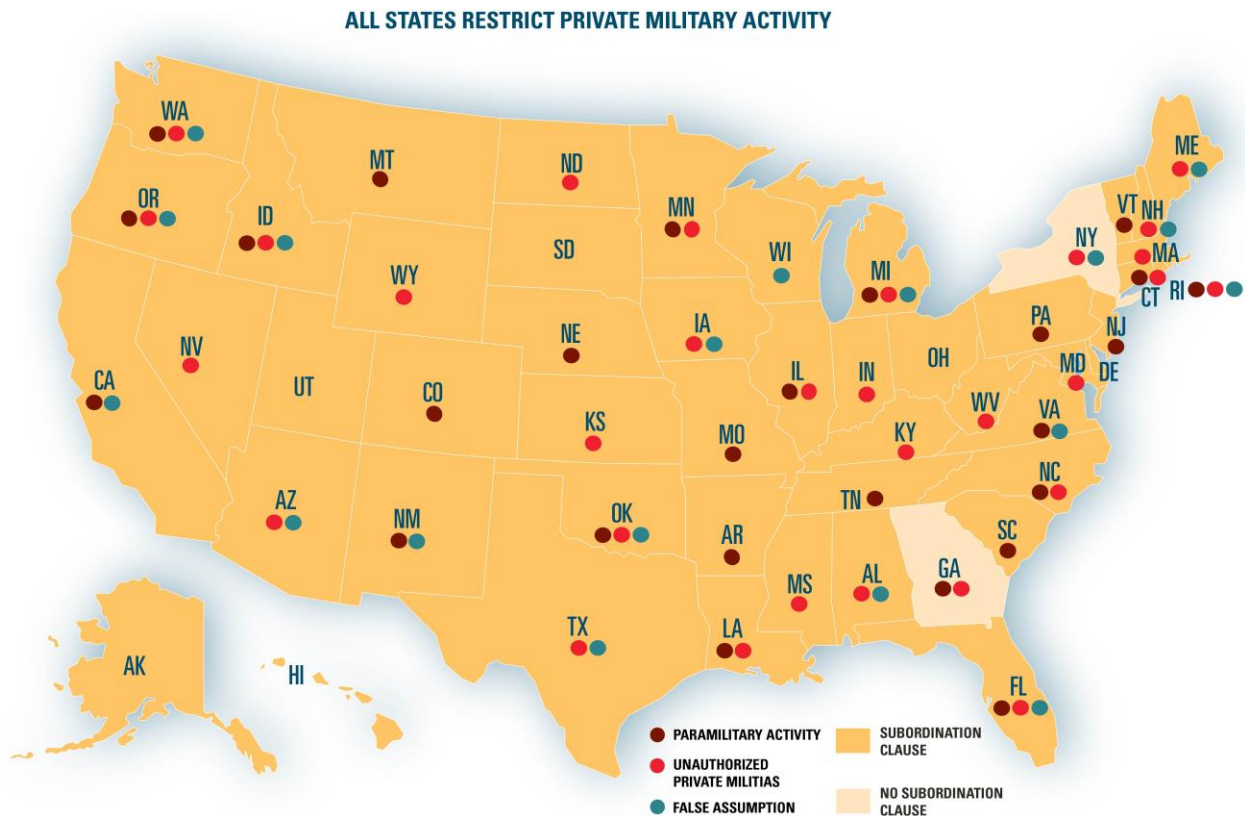
Arizona’s prohibition on the wearing of uniforms is representative of the second subgroup. That statute bars any person from wearing “any part of the uniform of the national guard or the army, navy or air force of the United States, or a uniform so similar as to be easily mistaken therefor, unless the person is a member of the service whose uniform he wears, an inmate of a veterans’ or soldiers’ home, or a member of an organization of the United States veterans.” Ariz. Rev. Stat. Ann. § 26-170(A).

It should be noted that many other states have statutes banning the impersonation of law enforcement or members of the military. These provisions have been excluded from this report, however, because certain elements of those offenses (e.g., heightened mens rea requirements) may not be as readily applicable to the conduct likely to occur at protests and demonstrations.



## Summary

As noted above and demonstrated in the map below, each of the 50 states has at least a constitutional subordination clause or a relevant statutory provision that could be applied to bar paramilitary and private militia conduct at public events. States and localities should consult these laws in deciding how best to minimize violence at future public events.



## Summary Chart: State Constitutional and Statutory Provisions Related to Paramilitary Activity

State	Constitutional Provision	Statutory Provisions
Alabama	Ala. Const. art. I, § 27: Standing army; military subordinate to civil power	Ala. Code § 31-2-125: Unauthorized military organizations* Ala. Code § 31-2-18: Wearing foreign uniforms—prohibited; exceptions
Alaska	Alaska Const. art. I, § 20: Quartering soldiers (includes subordination clause)	None
Arizona	Ariz. Const. art. II, § 20: Military subordinate to civil power	Ariz. Rev. Stat. Ann. § 26-123: Maintenance of private troops prohibited; violation; classification* Ariz. Rev. Stat. Ann. § 26-170: Unauthorized wearing of uniform; rank insignia; violation; classification
Arkansas	Ark. Const. art. II, § 27: Slavery prohibited; military authority limited	Ark. Code Ann. §§ 5-71-301 to -303: Definitions; Promoting Civil Disorder; Weapons Use—Training (includes paramilitary activity prohibition)
California	Cal. Const. art. I, § 5 (includes subordination clause)	Cal. Penal Code § 11460: Unlawful assembly; teaching or demonstrating firearms, explosives, destructive devices or techniques for use in civil disorders* (includes paramilitary activity prohibition) Cal. Mil. & Vet. Code § 422: Unauthorized wearing of uniform
Colorado	Colo. Const. art. II, § 22: Military subject to civil power—quartering of troops	Colo. Rev. Stat. § 18-9-120: Terrorist training activities—penalties—exemptions (includes paramilitary activity prohibition)

\* Denotes that the statutory provision, or a prior version, was cited in *Vietnamese Fishermen's Ass'n v. Knights of the Ku Klux Klan*, 543 F. Supp. 198, 211 n.13 (S.D. Tex. 1982), as an example of state anti-paramilitary-activity laws.

State	Constitutional Provision	Statutory Provisions
Connecticut	Conn. Const. art. I, § 16 (includes subordination clause)	Conn. Gen. Stat. §§ 27-101, -102: Private military forces* Conn. Gen. Stat. § 53-206b: Unlawful training in use of firearms, explosive or incendiary devices or techniques capable of causing injury
Delaware	Del. Const. art. I, § 17: Standing army; necessity for legislative consent; subordination of military	None
Florida	Fla. Const. art. I, § 7: Military power (includes subordination clause)	Fla. Stat. § 870.06: Unauthorized military organizations* Fla. Stat. § 790.29: Paramilitary training; teaching or participation prohibited Fla. Stat. § 250.43: Wearing of uniform and insignia of rank; penalty
Georgia	None	Ga. Code Ann. § 38-2-277: Unauthorized military bodies, formation, parades, and support by counties or cities prohibited Ga. Code Ann. §§ 16-11-150 to -152: Georgia Antiterroristic Training Act (includes paramilitary activity prohibition)
Hawaii	Haw. Const. art. I, § 16: Supremacy of civil power	None
Idaho	Idaho Const. art. I, § 12: Military subordinate to civil power	Idaho Code § 46-802: Unorganized associations prohibited—parades prohibited—exceptions* Idaho Code § 18-711: Unlawful exercise of functions of peace officers—Unlawful importation of police officers—Suppression of violence—Exceptions Idaho Code §§ 18-8101 to -8105: Terrorist Control Act (includes paramilitary activity prohibition)



State	Constitutional Provision	Statutory Provisions
Illinois	Ill. Const. art. XII, § 2: Subordination of military power	20 Ill. Comp. Stat. 1805/94, /95: Associations comprised of armed personnel; Violations of provision prohibiting unlawful association <sup>4</sup> * 20 Ill. Comp. Stat. 1805/94a: Weapons; instructions; civil disorders; penalty (includes paramilitary activity prohibition)
Indiana	Ind. Const. art. I, § 33: Military subordinate to civil power	Ind. Code § 10-16-2-3: Commander in chief; duties; permission to bear arms (includes unauthorized private militia prohibition)
Iowa	Iowa Const. art. I, § 14. Military (includes subordination clause)	Iowa Code § 29A.31: Unlawful organizations* Iowa Code § 718.2: Impersonating a public official
Kansas	Kan. Const., Bill of Rights, § 4: Individual right to bear arms; armies (includes subordination clause)	Kan. Stat. Ann. § 48-203: Commander in chief; chief of staff; rank; qualifications; compensation; aides-de-camp* (includes unauthorized private militia prohibition)
Kentucky	Ky. Const. § 22: Standing armies restricted; military subordinate to civil; quartering soldiers restricted	Ky. Rev. Stat. Ann. § 38.440: Entities who may drill or parade with arms without Governor's permission*
Louisiana	La. Const. art. XII, § 2: Civilian-military relations	La. Stat. Ann. § 29:31: Unauthorized military companies or organizations; parades; penalty* La. Stat. Ann. § 14:117.1: Paramilitary organizations; prohibitions (includes paramilitary activity prohibition)
Maine	Me. Const. art. I, § 17: Standing armies (includes subordination clause)	Me. Stat. tit. 37-B, § 342(2): Prohibited acts (includes unauthorized private militia prohibition) Me. Stat. tit. 37-B, § 266: Prohibited acts (includes false assumption of uniform provision)
Maryland	Md. Const., Decl. of Rights, art. XXX (includes subordination clause)	Md. Code Ann., Pub. Safety § 13-214: Prohibitions* (includes unauthorized private militia prohibition)
Massachusetts	Mass. Const. pt. I, art. XVII: Right to keep and bear arms; standing	Mass. Gen. Laws ch. 33, §§ 130, 131: Drills or parades by armed citizens or foreign troops; conditions;* Unauthorized parades

<sup>4</sup> The constitutionality of a prior version of this statute was upheld in *Presser v. Illinois*, 116 U.S. 252 (1886).

State	Constitutional Provision	Statutory Provisions
	armies; subordination of military power to civil authority	by armed citizens; unlawful maintenance of armories; penalties*
Michigan	Mich. Const. art. I, § 7: Military power subordinate to civil power	<p>Mich. Comp. Laws § 750.402: Societies parading under arms*</p> <p>Mich. Comp. Laws § 750.528a: Firearm or explosive or incendiary device; teaching or demonstrating use, application, or construction; assembly for the purpose of training, practicing, or being instructed</p> <p>Mich. Comp. Laws § 750.401: Army, navy or national guard uniform, unauthorized wearing</p> <p>Mich. Comp. Laws § 750.215: Representation as or performance of duties of peace officer or medical examiner; prohibited conduct</p>
Minnesota	Minn. Const. art. I, § 14: Military power subordinate	<p>Minn. Stat. § 624.61: Armed association</p> <p>Minn. Stat. § 609.669: Civil disorder (includes paramilitary activity prohibition)</p>
Mississippi	Miss. Const. art. III, § 9: Subordination of military to civil power	Miss. Code. Ann. § 33-1-31: Unlawful military styled organizations*
Missouri	Mo. Const. art. I, § 24: Subordination of military to civil powers—quartering soldiers	Mo. Rev. Stat. § 574.070: Promoting civil disorder in the first degree, penalty (includes paramilitary activity prohibition)
Montana	Mont. Const. art. II, § 32: Civilian control of the military	Mont. Code Ann. § 45-8-109: Civil disorder—prohibited activities—penalties—exceptions (includes paramilitary activity prohibition)
Nebraska	Neb. Const. art. I, § 17: Military subordinate	Neb. Rev. Stat. §§ 28-1480 to -1482: Civil disorders involving explosives or firearms* (includes paramilitary activity prohibition)
Nevada	Nev. Const. art. I, § 11: Right to keep and bear arms; civil power supreme	<p>Nev. Rev. Stat. § 203.080: Armed Association* (includes unauthorized private militia prohibition)</p> <p>Nev. Rev. Stat. § 412.604: Unlawful drill or parade with arms by voluntary company or voluntary organization without license; drill or parade by students with consent of Governor; penalty</p>

State	Constitutional Provision	Statutory Provisions
New Hampshire	N.H. Const. pt. 1, art. XXVI: Military subject to civil power	N.H. Rev. Stat. Ann. § 111:15: Armed civilian groups N.H. Rev. Stat. § 104:28-a: False Personation
New Jersey	N.J. Const. art. I, § 15 (includes subordination clause)	N.J. Stat. Ann. § 2C:39-14: Training, practice or instruction in use, application or making of firearm, explosive device or technique capable of causing injury for illegal activity
New Mexico	N.M. Const. art. II, § 9: Military subordination	N.M. Stat. Ann. §§ 30-20A-1 to -4: Antiterrorism Act (includes paramilitary activity prohibition) N.M. Stat. Ann. § 30-27-2.1: Impersonating a peace officer
New York	None	N.Y. Mil. Law § 240: Military parades and organizations by unauthorized bodies prohibited* N.Y. Mil. Law § 238-c: Wearing of uniforms; prohibited
North Carolina	N.C. Const. art. I, § 30: Militia and the right to bear arms (includes subordination clause)	N.C. Gen. Stat. § 127A-151: Organizing company without authority <sup>5</sup> * N.C. Gen. Stat. § 14-288.20: Certain weapons at civil disorders <sup>6</sup> (includes paramilitary activity prohibition)
North Dakota	N.D. Const. art. I, § 19 (includes subordination clause)	N.D. Cent. Code § 37-01-21: Military parades by certain bodies prohibited—exceptions—penalty*
Ohio	Ohio Const. art. I, § 4: Bearing arms; standing armies; military powers (includes subordination clause)	None
Oklahoma	Okla. Const. art. II, § 14: Military subordinate to civil authorities—quartering without owner’s consent	Okla. Stat. tit. 44, § 23: Governor as commander in chief—powers—armed military forces from other state or territory—independent military organizations (includes unauthorized private militia prohibition)

<sup>5</sup> See also N.C. Gen. Stat. § 14-10 (secret political and military organizations forbidden).

<sup>6</sup> Discussed in *Person v. Miller*, 854 F.2d 656 (4th Cir. 1988) (holding a member of the Carolina Ku Klux Klan in contempt for violating a court order prohibiting him from violating N.C. Gen. Stat. §§ 14-10 and -288.20).

State	Constitutional Provision	Statutory Provisions
		Okla. Stat. tit. 21, § 1320.10: Teaching, demonstrating or training in the use of firearms, explosives or incendiary devices in furtherance of riot or civil disorder Okla. Stat. tit. 21, § 264: False impersonation of peace officers
Oregon	Or. Const. art. I, § 27: Right to bear arms; military subordinate to civil power	Or. Rev. Stat. § 166.660: Unlawful paramilitary activity Or. Enrolled Bill 2572 (2023): An Act Relating to Paramilitary Activity
Pennsylvania	Pa. Const. art. I, § 22: Standing army; military subordinate to civil power	18 Pa. Cons. Stat. Ann. § 5515: Prohibiting of paramilitary training
Rhode Island	R.I. Const. art I, § 18: Subordination of military to civil authority—martial law	30 R.I. Gen. Laws § 30-12-7: Unauthorized military organizations or parades—revocation of authority 11 R.I. Gen. Laws § 11-55-2: Paramilitary training prohibited 30 R.I. Gen. Laws § 30-12-9: Unlawful wearing of uniform
South Carolina	S.C. Const. art. I, § 20: Right to keep and bear arms; armies; military power subordinate to civil authority; how soldiers quartered	S.C. Code Ann. § 16-8-20: Teaching or demonstrating use or making of destructive device; penalties
South Dakota	S.D. Const. art. VI, § 16: Military subordinate to civil power—quartering of soldiers	None
Tennessee	Tenn. Const. art. I, § 24: Military subordinate to civil authority	Tenn. Code Ann. § 39-17-314: Civil disorder (includes paramilitary activity prohibition)
Texas	Tex. Const. art. I, § 24: Military subordinate to civil authority	Tex. Gov't Code § 437.208: Organization prohibited <sup>7</sup> (includes unauthorized private militia prohibition) Tex. Penal Code § 37.11: Impersonating Public Servant

<sup>7</sup> In *Vietnamese Fishermen's Association*, the court enjoined paramilitary activity by a local Ku Klux Klan-affiliated paramilitary group pursuant to Tex. Rev. Civ. Stat. Ann. art. 5780, the predecessor to § 437.208. See 518 F. Supp. at 1004 (“[P]rotecting citizens from the threat of violence posed by private military organizations ... is a vital governmental interest because the proliferation of private military organizations threatens to result in lawlessness and destructive chaos”).

State	Constitutional Provision	Statutory Provisions
Utah	Utah Const. art. I, § 20: Military subordinate to the civil power	None
Vermont	Vt. Const. ch. I, art. XVI: Right to bear arms; standing armies; military power subordinate to civil	Vt. Stat. Ann. tit. 13, § 4073: Prohibition on paramilitary training activities
Virginia	Va. Const. art. I, § 13: Militia; standing armies; military subordinate to civil power	Va. Code Ann. §§ 18.2-433.1 to -433.3: Unlawful paramilitary activity Va. Code Ann. § 18.2-174: Impersonating law-enforcement officer; penalty Va. Code Ann. § 44-120: Protection of the uniform
Washington	Wash. Const. art. I, § 18: Limitation of military power <sup>8</sup>	Wash. Rev. Code § 38.40.120: Authorized military organizations* Wash. Rev. Code § 9A.48.120: Civil disorder training (includes paramilitary activity prohibition) Wash Rev. Code § 9A.60.045: Criminal impersonation in the second degree
West Virginia	W. Va. Const. art. III, § 12: Military subordinate to civil power	W. Va. Code § 15-1F-7: Unlawful military organizations*
Wisconsin	Wis. Const. art. I, § 20: Military subordinate to civil power	Wis. Stat. § 946.69: Falsely assuming to act as a public officer or employee or a utility employee
Wyoming	Wyo. Const. art. I, § 25: Military subordinate to civil power	Wyo. Stat. Ann. § 19-8-104: Other organizations parading with arms prohibited; penalty*

<sup>8</sup> See also Wash. Const. art. I, § 24 (“The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.”).

# State-by-State Constitutional and Statutory Provisions Related to Paramilitary Activity

## Alabama

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### **Ala. Const. art. I, § 27.** Standing army; military subordinate to civil power

That no standing army shall be kept up without the consent of the legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

### **Ala. Code § 31-2-125.** Unauthorized military organizations

Any two or more persons, whether with or without uniform, who associate, assemble, or congregate together by or under any name in a military capacity for the purpose of drilling, parading, or marching at any time or place or otherwise take up or bear arms in any such capacity without authority of the Governor, must, on conviction, be fined not more than \$1,000. This section does not apply to any school or college where military training and instruction is given under the provisions of state or federal laws, nor to the order of Knights of Templar, Knights of Pythias, Patriarchs Militant, or Uniform Rank Woodmen of the World.

### **Ala. Code § 31-2-18.** Wearing foreign uniforms—Prohibited; exceptions

(a) It shall be unlawful for any person to appear in any public place or in the public view attired in any uniform similar to that worn by the military, semimilitary, naval, police, storm troop, or other official or semiofficial forces of any foreign state, nation or government, or attired in any distinctive part or parts of such a uniform, and to assemble with other persons similarly attired in any camp, drill ground, or other place for the purpose of engaging in military drill or training or other military purposes.

(b) It shall be unlawful for any person to appear in any public place or in the public view attired in the uniform or wearing the distinctive garment of any association of persons of whatsoever nature or form which engages in, adopts, or imitates the drill formations, salutes, or other methods or practices or the symbols of any foreign military, semimilitary, naval, police, storm troop, or similar foreign organization, and, so attired, to assemble with other persons similarly attired in any camp, drill ground, or other place for the purpose of engaging in military drill or training or other military practices.

(c) It shall be unlawful for the proprietor, manager, or keeper of any place of public meeting, resort or amusement to permit therein any assemblage of persons attired as prohibited in this section.

(d) This section shall not apply to the officers or members of the military, semimilitary, naval, police, or other official or semiofficial forces of any foreign state, nation, or government lawfully within the State of Alabama, any veterans' organization chartered by Act of Congress, the Boy Scouts of America, any student of any school or academy recognized by the Board of Education of the State of Alabama, nor to the members of the cast of any stage or motion picture production characterizing the officials of a foreign state, nation, or government; provided, however, that in any prosecution under this section, it shall be



presumed that a person (1) wearing the uniform of a foreign state, nation, or government or of any of its official or semiofficial forces or (2) attired in any distinctive part or parts of such a uniform, was not at the time of the alleged violation of this section a member of any of the organizations excepted in this subsection.

## Alaska

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### **Alaska Const. art. I, § 20. Quartering Soldiers**

No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

## Arizona

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### **Ariz. Const. art. II, § 20. Military power subordinate to civil power**

The military shall be in strict subordination to the civil power.

### **Ariz. Rev. Stat. Ann. § 26-123. Maintenance of private troops prohibited; violation; classification**

A. No person, partnership or corporation shall maintain troops under arms, but this section shall not be deemed to prohibit a business, plant or firm from maintaining armed guards for protection of their property from damage or loss, or formation of a state police or highway patrol, or the existence of county and municipal police forces and sheriff's posses.

B. Any person violating this section is guilty of a class 5 felony.

### **Ariz. Rev. Stat. Ann. § 26-170. Unauthorized wearing of uniform; rank insignia; violation; classification**

A. No person shall wear any part of the uniform of the national guard or the army, navy or air force of the United States, or a uniform so similar as to be easily mistaken therefor, unless the person is a member of the service whose uniform he wears, an inmate of a veterans' or soldiers' home, or a member of an organization of the United States veterans.

B. A person in the theatrical profession may wear the uniform in a playhouse or theatre while actually engaged in acting the part of a member thereof.

C. A civic organization may parade or travel in a body or assemble in a lodge room, but when the active militia or any part thereof is in active service, or is called into active service, such civic organization or member thereof shall not parade or appear in uniform in the same locality where the active militia is in service.

D. Persons authorized to wear the military uniform of the United States may only display the rank insignia of the highest rank in which they have received federal recognition except the adjutant general who may display the rank insignia of his state appointed grade after written consent of his service branch.

E. A person violating this section is guilty of a class 2 misdemeanor.

## Arkansas

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### **Ark. Const. art. II, § 27. Slavery prohibited; military authority limited**

There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace; the military shall, at all times, be in strict subordination to the civil power; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner, in time of peace; nor in time of war, except in a manner prescribed by law.

### **Ark. Code Ann. § 5-71-301. Definitions**

As used in this subchapter:

- (1) “Civil disorder” means any public disturbance involving an act of violence by an assemblage of three (3) or more persons that causes an immediate danger of or results in damage or injury to the property or person of any other individual;
- (2) “Explosive or incendiary device” includes:
  - (A) Dynamite and any other form of a high explosive;
  - (B) Any explosive bomb, grenade, missile, or similar device;
  - (C) An explosive material, meaning:
    - (i) An explosive;
    - (ii) A blasting agent; and
    - (iii) A detonator; and
  - (D) Any incendiary bomb or grenade, fire bomb, or similar device, and including any device that consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material that when ignited is capable of igniting the flammable liquid or compound, and can be carried or thrown by one (1) individual acting alone; and
- (3) “Firearm” means the same as defined in § 5-1-102.

### **Ark. Code Ann. § 5-71-302. Promoting civil disorder**

- (1) Any person who teaches or demonstrates to any other person the use, application, or construction of any firearm or explosive or incendiary device capable of causing injury or death to any person, knowing or intending that the firearm or explosive or incendiary device be used in furtherance of a civil disorder is guilty of the crime of promoting civil disorder in the first degree.
- (2) Promoting civil disorder in the first degree is a Class C felony.

**Ark. Code Ann. § 5-71-303. Weapon use—Training**

Nothing in this subchapter shall be construed to prohibit the training or teaching of the use of a weapon for:

- (1) A law enforcement purpose;
- (2) Hunting;
- (3) Recreation;
- (4) Competition; or
- (5) Any other lawful use or activity.

### **Cal. Const. art. I, § 5.**

The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.

### **Cal. Penal Code § 11460. Unlawful assembly; teaching or demonstrating firearms, explosives, destructive devices or techniques for use in civil disorders**

(a) Any two or more persons who assemble as a paramilitary organization for the purpose of practicing with weapons shall be punished by imprisonment in a county jail for not more than one year or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

As used in this subdivision, "paramilitary organization" means an organization which is not an agency of the United States government or of the State of California, or which is not a private school meeting the requirements set forth in Section 48222 of the Education Code, but which engages in instruction or training in guerrilla warfare or sabotage, or which, as an organization, engages in rioting or the violent disruption of, or the violent interference with, school activities.

(b) (1) Any person who teaches or demonstrates to any other person the use, application, or making of any firearm, explosive, or destructive device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that these objects or techniques will be unlawfully employed for use in, or in the furtherance of a civil disorder, or any person who assembles with one or more other persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive, or destructive device, or technique capable of causing injury or death to persons, with the intent to cause or further a civil disorder, shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

Nothing in this subdivision shall make unlawful any act of any peace officer or a member of the military forces of this state or of the United States, performed in the lawful course of his or her official duties.

(2) As used in this section:

(A) "Civil disorder" means any disturbance involving acts of violence which cause an immediate danger of or results in damage or injury to the property or person of any other individual.

(B) "Destructive device" has the same meaning as in Section 16460.

(C) "Explosive" has the same meaning as in Section 12000 of the Health and Safety Code.



(D) "Firearm" means any device designed to be used as a weapon, or which may readily be converted to a weapon, from which is expelled a projectile by the force of any explosion or other form of combustion, or the frame or receiver of this weapon.

(E) "Peace officer" means any peace officer or other officer having the powers of arrest of a peace officer, specified in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

### **Cal. Mil. & Vet. Code § 422. Unauthorized wearing of uniform**

Any person other than an officer, warrant officer, or enlisted man or woman of the California National Guard, or of the unorganized militia when called into the service of the state or of the State Military Reserve or who may be appointed under Section 141 or who may be authorized by Sections 502, 502.1, or 502.2 or who may be a member of the Naval Militia of this state, or who may be a member of the military forces of another state or of the United States Army, United States Air Force, United States Navy, United States Marine Corps, United States Coast Guard Service or United States or State Forest Service, or personnel of the Department of Fish and Game, or members of the Department of the California Highway Patrol, or an inmate of any veterans or soldiers home, or other person authorized by the laws of the United States or of this state, who at any time wears the uniform of the United States Army, United States Air Force, or United States Navy, or of the armed forces of the United States or any organization thereof, or National Guard or Naval Militia, or any part of that uniform, or a uniform or part of a uniform similar thereto, is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding 60 days, or by both.

### **Colo. Const. art. II, § 22. Military subject to civil power—quartering of troops**

The military shall always be in strict subordination to the civil power; no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

### **Colo. Rev. Stat. § 18-9-120. Terrorist training activities—penalties—exemptions**

(1) As used in this section, unless the context otherwise requires:

(a) “Civil disorder” means any planned public disturbance involving acts of violence by an assemblage of two or more persons that causes an immediate danger of, or results in, damage or injury to property or to another person.

(b) “Explosive or incendiary device” means:

(I) Dynamite and all other forms of high explosives;

(II) Any explosive bomb, grenade, missile, or similar device;

(III) Any incendiary bomb or grenade, fire bomb, or similar device, including any device which:

(A) Consists of or includes a breakable receptacle containing a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound; and

(B) Can be carried or thrown by one person acting alone.

(c) “Firearm” means any weapon which is designed to expel or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(d) “Law enforcement officer” means any peace officer of this state, as described in section 16-2.5-101, C.R.S., including a member of the Colorado National Guard or any peace officer of the United States, any state, any political subdivision of a state, or the District of Columbia. “Law enforcement officer” includes, but is not limited to, any member of the National Guard, as defined in 10 U.S.C. sec. 101 (9), any member of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia who is not included within the definition of National Guard, and any member of the armed forces of the United States.

(2) Any person who teaches or demonstrates to any person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to any person and who knows that the same will be unlawfully used in furtherance of a civil disorder and any person who assembles with one or more other persons for the purpose of training or practicing with, or being instructed in the use of, any firearm, explosive or incendiary device, or technique capable of causing injury or death to any person with the intent to unlawfully use the same in furtherance of a civil disorder commits a class 5 felony.

(3) (a) Nothing in this section makes unlawful any activity pursuant to section 13 of article II of the state constitution or activity of the parks and wildlife commission, any law enforcement agency, any hunting club, or any rifle club, any activity engaged in on a rifle range, pistol range, or shooting range, or any activity undertaken pursuant to any shooting school or other program or instruction, any of which activities is intended to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques and is employed in connection with lawful sports or teach the use of arms for the defense of home, person, or property, or the lawful use of force as defined in part 7 of article 1 of this title, or other lawful activities.

(b) Nothing in this section shall make unlawful any act of a law enforcement officer which is performed as a part of his official duties.

## Connecticut

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### **Conn. Const. art. I, § 16.**

The military shall, in all cases, and at all times, be in strict subordination to the civil power.

### **Conn. Gen. Stat. § 27-101. Private military forces**

“Private military force”, as used in this chapter, includes any group of five or more persons organized or associated together in a camp, group, organization, company, association or society, or in any other manner, for the purpose of drilling or maneuvering with firearms or other dangerous weapons, or with imitations, copies or replicas thereof, or for the purpose of giving or acquiring military training or experience; but said term “private military force” shall not include any military or police units of the United States or of any state or territory, or of any political subdivision of any state or territory, or a cadet or reserve corps of any institution of learning whose military training is under governmental supervision, or any society of war veterans in the course of their authorized activities, or any society or fraternal organization which features a uniform or costume with side-arms or replicas thereof for display purposes only, or The Boy Scouts of America, The Catholic Boys Brigade of the United States, Inc., or troops of a foreign government whose admission to the United States has been consented to by the federal or state government, or any person acting or appearing in any theater, motion picture or television production while actually engaged in representing therein military or naval characters or scenes.

### **Conn. Gen. Stat. § 27-102. Constitution, rules, bylaws and roster of membership to be filed with secretary. Penalty**

The officers of any private military force shall, immediately upon organization or association, execute and file with the Secretary of the State a sworn statement, including therein a copy of the constitution, bylaws, rules or regulations of such organization and a roster of its membership. On or before August first in each year, the officers of any private military force shall execute and file with the Secretary of the State a sworn statement setting forth any changes in the constitution, bylaws, rules and regulations of such private military force and a complete roster of its membership. The officers of any private military force who fail to execute and file any such sworn statement shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

### **Conn. Gen. Stat. § 53-206b. Unlawful training in use of firearms, explosive or incendiary devices or techniques capable of causing injury. Class C felony**

(a) As used in this section:

(1) “Civil disorder” means a public disturbance involving acts of violence by a group of three or more persons which causes an immediate danger of or results in damage to the property of or injury to any other person.

(2) “Explosive or incendiary device” means

(A) dynamite and all other forms of high explosives,

(B) any explosive bomb, grenade, missile or similar device, and

(C) any incendiary bomb or grenade, fire bomb or similar device, including any device which

(i) consists of or includes a breakable container which contains a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and

(ii) can be carried or thrown by an individual.

(3) "Firearm" means a firearm as defined in section 53a-3.

(b) No person shall

(1) teach or demonstrate to any person the use, application or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to a person, knowing or intending that such firearm, explosive, incendiary device or technique will be unlawfully employed for use in, or in furtherance of, a civil disorder; or

(2) assemble with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to a person, intending to employ unlawfully such firearm, explosive, incendiary device or technique for use in, or in furtherance of, a civil disorder.

(c) Any person who violates any provision of this section shall be guilty of a class C felony.

(d) Nothing in this section shall make unlawful any act of any peace officer, as defined in section 53a-3, performed in the lawful discharge of his official duties.

## Delaware

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**Del. Const., art. 1, § 17.** Standing army; necessity for legislative consent; subordination of military

No standing army shall be kept without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.



## Florida

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### **Fla. Const. art. I, § 7. Military power**

The military power shall be subordinate to the civil.

### **Fla. Stat. § 870.06. Unauthorized military organizations**

No body of persons, other than the regularly organized land and naval militia of this state, the troops of the United States, and the students of regularly chartered educational institutions where military science is a prescribed part of the course of instruction, shall associate themselves together as a military organization for drill or parade in public with firearms, in this state, without special license from the Governor for each occasion, and application for such license must be approved by the mayor and aldermen of the cities and towns where such organizations may propose to parade. Each person unlawfully engaging in the formation of such military organization, or participating in such drill or parade, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

### **Fla. Stat. § 790.29. Paramilitary training; teaching or participation prohibited**

- (1) This act shall be known and may be cited as the “State Antiparamilitary Training Act.”
- (2) As used in this section, the term “civil disorder” means a public disturbance involving acts of violence by an assemblage of three or more persons, which disturbance causes an immediate danger of, or results in, damage or injury to the property or person of any other individual within the United States.
- (3) (a) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm, destructive device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder within the United States, is guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).  
  
(b) Whoever assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, destructive device, or technique capable of causing injury or death to persons, intending to unlawfully employ the same for use in, or in furtherance of, a civil disorder within the United States, is guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
- (4) Nothing contained in this section shall be construed to prohibit any act of a law enforcement officer which is performed in connection with the lawful performance of his or her official duties or to prohibit the training or teaching of the use of weapons to be used for hunting, recreation, competition, self-defense or the protection of one’s person or property, or other lawful use.

### **Fla. Stat. § 250.43. Wearing of uniform and insignia of rank; penalty**

(1) The uniform or insignia of rank worn by officers of the Florida National Guard shall be worn only by persons entitled thereto by commission under the laws of the state or the United States. Any person violating this subsection commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#), and may also be punished as a court-martial directs.

(2) Every person other than an officer or enlisted person of the Florida National Guard, naval militia, or marine corps of this state, any other state, Puerto Rico, or the District of Columbia, or of the United States Army, Navy, Marine Corps, or Air Force, who wears the uniform of the United States Army, Navy, Marine Corps, Air Force, National Guard, Naval Militia, or Marine Corps or any part of such uniform, or a uniform or part of uniform similar thereto, or in imitation thereof, within the bounds of the state, except in cases where the wearing of such uniform is permitted by the laws of the United States and the regulations of the Secretary of Defense, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). This section does not prohibit persons in the theatrical profession from wearing such uniforms while actually engaged in such profession, in any playhouse or theater, in a production in no way reflecting upon such uniform; does not prohibit the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; and does not apply to cadets of any military school or to Boy Scouts or Girl Scouts.

## Georgia

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### **Ga. Code Ann. § 38-2-277. Unauthorized military bodies, formation, parades, and support by counties or cities prohibited**

(a) No body of men other than the organized militia, components of the armed forces of the United States, and bodies of the police and state constabulary and such other organizations as may be formed under this chapter shall associate themselves together as a military unit or parade or demonstrate in public with firearms.

(b) Associations wholly comprised of military personnel honorably discharged from the service of the United States and benevolent and secret organizations may parade in public with swords. Students in educational institutions where military science is a prescribed part of the course of instruction may drill or parade with firearms in public under the supervision of their instructors. This Code section shall not be construed to prevent parades in public with firearms by authorized organizations of the organized militia of any other state.

(c) No political subdivision of this state shall raise or appropriate any money toward arming, equipping, uniforming, or in any other way supporting, sustaining, or providing drill rooms or armories for any such unauthorized organizations.

(d) Any person who actively participates in an unauthorized military organization or who parades with any unauthorized body of men as set forth in subsection (a) of this Code section shall be guilty of a misdemeanor.

### **Ga. Code Ann. § 16-11-150. Short Title**

This part shall be known and may be cited as the “Georgia Antiterroristic Training Act.”

### **Ga. Code Ann. § 16-11-151. Prohibited Training**

(a) As used in this Code section, the term “dangerous weapon” has the same meaning as found in paragraph (1) of Code Section 16-11-121.

(b) It shall be unlawful for any person to:

(1) Teach, train, or demonstrate to any other person the use, application, or making of any illegal firearm, dangerous weapon, explosive, or incendiary device capable of causing injury or death to persons either directly or through a writing or over or through a computer or computer network if the person teaching, training, or demonstrating knows, has reason to know, or intends that such teaching, training, or demonstrating will be unlawfully employed for use in or in furtherance of a civil disorder, riot, or insurrection; or

(2) Assemble with one or more persons for the purpose of being taught, trained, or instructed in the use of any illegal firearm, dangerous weapon, explosive, or incendiary device capable of causing injury or death to persons if such person so assembling knows, has reason to know, or intends that such teaching, training, or instruction will be unlawfully employed for use in or in furtherance of a civil disorder, riot, or insurrection.

(c) Any person who violates any provision of subsection (b) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.

### **Ga. Code Ann. § 16-11-152. Authorized Training.**

This part shall not apply to:

- (1) Any act of any peace officer which is performed in the lawful performance of official duties;
- (2) Any training for law enforcement officers conducted by or for any police agency of the state or any political subdivision thereof or any agency of the United States;
- (3) Any activities of the National Guard or of the armed forces of the United States; or
- (4) Any hunter education classes taught under the auspices of the Department of Natural Resources, or other classes intended to teach the safe handling of firearms for hunting, recreation, competition, or self-defense.

## Hawaii

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### **Haw. Const. art. I, § 16.** Supremacy of civil power

The military shall be held in strict subordination to the civil power.

## Idaho

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### **Idaho Const. art. I, § 12. Military subordinate to civil power**

The military shall be subordinate to the civil power; and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

### **Idaho Code § 46-802. Unorganized associations prohibited—parades prohibited—exceptions**

No body of men, other than the regularly organized national guard, the unorganized militia when called into service of the state, or of the United States, and except such as are regularly recognized and provided for by the laws of the state of Idaho and of the United States, shall associate themselves together as a military company or organization, or parade in public with firearms in any city or town of this state.

No city or town shall raise or appropriate any money toward arming or equipping, uniforming, or in any other way supporting, sustaining or providing drill rooms or armories for any such body of men; but associations wholly composed of soldiers honorably discharged from the service of the United States or members of the orders of Sons of Veterans, or of the Boy Scouts, may parade in public with firearms on Memorial Day or upon the reception of any regiment or companies of soldiers returning from such service, and for the purpose of escort duty at the burial of deceased soldiers; and students in educational institutions where military science is taught as a prescribed part of the course of instruction, may with the consent of the governor, drill and parade with firearms in public, under the superintendence of their teachers. This section shall not be construed to prevent any other organization authorized by law parading with firearms, nor to prevent parades by the national guard of any other state or territory.

### **Idaho Code § 18-711. Unlawful exercise of functions of peace officers—Unlawful importation of police officers—Suppression of violence—Exceptions**

1. Any person who shall in this state unlawfully exercise or attempt to exercise the functions of, or hold himself out to any one as, a deputy sheriff, marshal, policeman, constable or peace officer, or any person, whether acting in his own behalf or as an officer of the law, or as the authorized or unauthorized agent or representative of another, or of any association, corporation or company, who shall bring or cause to be brought, or aid in bringing into this state any armed or unarmed police force or detective agency or force, or any armed or unarmed body of men for the suppression of domestic violence, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for not less than two (2) years and not more than five (5) years: provided, that the legislature, or the executive when the legislature can not be convened, may call upon the lawfully constituted authorities of the United States for the protection against invasion and domestic violence, as provided in section 4 of article 4 of the Constitution of the United States.

2. This section shall not apply to a law enforcement officer who pursuant to an interlocal cooperation plan upon receiving an emergency request from an Idaho law enforcement officer enters Idaho to give

assistance; nor shall this section apply to the Idaho law enforcement officer who makes a request for emergency assistance.

### **Idaho Code § 18-8101. Purpose (Terrorist Control Act)**

The legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject, to associate with others who share similar beliefs, and to keep and bear arms. It is not the intent, by the provisions of this chapter, to interfere with the exercise of rights protected by the constitutions of the state of Idaho or the United States. The legislature further recognizes and finds that conspiracies and training activities in furtherance of unlawful acts of violence against persons and property is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

### **Idaho Code §18-8102. Definitions.**

(1) “Civil disorder” means any public disturbance involving acts of violence by an assemblage of two (2) or more persons which acts cause an immediate danger of or result in damage or injury to the property or person of any other individual.

(2) “Governmental military force” means the national guard, as defined in section 101(9) of title 10, United States Code; the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included with the definition of national guard as defined by such section 101(9); and the armed forces of the United States.

(3) “Law enforcement agency” means a governmental unit of one (1) or more persons employed full time or part time by the state or federal government, or a political subdivision thereof, for the purpose of preventing and detecting crime and enforcing laws or local ordinances and the employees of which are authorized to make arrests for crimes while acting within the scope of their authority.

(4) “Peace officer” means any duly appointed officer of a law enforcement agency as defined herein including, but not limited to, an officer of the Idaho state police, department of fish and game, a sheriff or deputy sheriff of a county, or a marshal or police officer of a city.

(5) “Terrorism” means activities that:

(a) Are a violation of Idaho criminal law; and

(b) Involve acts dangerous to human life that are intended to:

(i) Intimidate or coerce a civilian population;

(ii) Influence the policy of a government by intimidation or coercion; or

(iii) Affect the conduct of a government by the use of weapons of mass destruction, as defined in section 18-3322, Idaho Code.

## **Idaho Code §18-8103. Prohibited Activities – Penalties.**

Any person who:

(1) Conspires with one (1) or more persons to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitutions or laws of the United States or the state of Idaho, by the use of violence against the person or property of such citizen; or

(2) Goes on the highway, or on the premises of any citizen, with one (1) or more other persons, with the intent by use of violence against such citizen or his property, to prevent or hinder his free exercise or enjoyment of any right or privilege so secured; or

(3) Assembles with one (1) or more persons for the purpose of training or instructing in the use of, or practicing with, any technique or means capable of causing property damage, bodily injury or death with the intent to employ such training, instruction or practice in the commission of a civil disorder, as defined herein; or

(4) Commits an act of terrorism, as defined in this chapter; or

(5) Conspires with one (1) or more persons to commit an act of terrorism, as defined in this chapter;

shall be guilty of a felony. A violation of subsection (1), (2) or (3) of this section shall be punished by imprisonment in the state prison for a period not to exceed ten (10) years, by a fine not in excess of fifty thousand dollars (\$50,000), or by both such fine and imprisonment. A violation of subsection (4) or (5) shall be punished by imprisonment in the state prison for a period of up to and including life imprisonment or by a fine not exceeding fifty thousand dollars (\$50,000), or by both.

## **Idaho Code §18-8104. Exclusions.**

Nothing contained in this chapter makes unlawful any act protected pursuant to article I, section 11, of the Idaho constitution, or any act of any peace officer which is performed in the lawful performance of the law enforcement officer's official duties. Nothing contained in this chapter makes unlawful any activity of the department of fish and game, any governmental military force, the department of correction, any law enforcement agency, or any activity intended to teach or practice self-defense or self-defense techniques, such as karate clubs or self-defense clinics, and similar lawful activity, or any facility, program or lawful activity related to firearms instruction and training intended to teach the safe handling and use of firearms, or any other lawful sports or activities related to the individual recreational use or possession of firearms, including but not limited to, hunting activities, target shooting, self-defense, firearms collection or any organized activity including, but not limited to, any hunting club, rifle club, rifle range or shooting range which does not include a conspiracy as defined under the laws of this state or the knowledge of or the intent to cause or further a civil disorder.



**Idaho Code §18-8105. Severability.**

The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

### **III. Const. art. XII, § 2. Subordination of military power**

The military shall be in strict subordination to the civil power.

#### **20 Ill. Comp. Stat. 1805/94. Associations comprised of armed personnel**

It is unlawful for any body of men or women, other than the regularly organized militia of this State, troops of the United States, Grand Army posts, camps of the Sons of Veterans or organizations of veterans of the Spanish-American War, Philippine Insurrection, World War I, World War II, or any future wars, dedicated to the welfare of the State and nation, to associate themselves together as a military company or organization, to drill or parade with arms in this State, except as hereinafter authorized; but, by and with the consent of the Governor, independent regiments, battalions or companies, organized for the purpose of recreation or to acquire military knowledge that may better enable them to serve the State in time of public peril, if such should arise, may associate themselves together as a military body or organization and may drill or parade with arms in public in this State, and students of educational institutions, where military drill is a part of the course of instructions, may, with the consent of the Governor, drill and parade with arms in public under command of their military instructors. Nothing herein contained shall be construed so as to prevent benevolent or social organizations from wearing swords. All military organizations in and by this Section permitted to drill and parade with arms, shall, on occasions of public parade, be required to carry the United States flag in addition to any private ensign which they may carry. The consent herein specified may be withdrawn at the pleasure of the Governor.

#### **20 Ill. Comp. Stat. 1805/94a. Weapons; instructions; civil disorders; penalty**

(a) As used in this Section, unless the context clearly requires otherwise:

(1) “Civil disorder” means any public disturbance involving acts of violence by assemblages of 3 or more persons which causes an immediate danger of or results in damage or injury to any real or tangible property or person.

(2) “Firearm” means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

(3) “Explosive or incendiary device” means

(A) dynamite or any other form of high explosive,

(B) any explosive bomb, grenade, missile or similar device, or

(C) any incendiary bomb or grenade, fire bomb or similar device, including any device which

(i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and

(ii) can be carried or thrown by one individual acting alone.

(b) It is unlawful for any person to:

(1) Teach or demonstrate to any other person the use, application, or making of any firearm, explosive, incendiary device or technique capable of causing injury or death to persons, knowing or having reason to know and intending that same will be unlawfully employed for use in, or in furtherance of, a civil disorder; or

(2) Assemble with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive, incendiary device or technique capable of causing injury or death to persons, intending to employ unlawfully the same for use in, or in furtherance of, a civil disorder.

(c) Violation of subsection (b) of this Section is a Class 4 felony.

(d) Nothing contained in this Section makes unlawful any activity of:

(1) law enforcement officials of this or any other jurisdiction while engaged in the lawful performance of their official duties;

(2) federal officials required to carry firearms while engaged in the lawful performance of their official duties;

(3) members of the Armed Forces of the United States or the National Guard while engaged in the lawful performance of their official duties;

(4) any game commission, fish commission or law enforcement agency (or any agency licensed to provide security services), or any hunting club, rifle club, rifle range, pistol range, shooting range or other organization or entity whose primary purpose is to teach the safe handling or use of firearms, archery equipment or other weapons or techniques employed in connection with lawful sporting or other lawful activity;

(5) any assembly for public historical re-enactment purposes by a historic military re-enactment group portraying events in military history presented for the purposes of public education and entertainment; provided that any participants utilize historically appropriate uniforms, weapons and accoutrements.

### **20 Ill. Comp. Stat. 1805/95. Violations of provision prohibiting unlawful association**

Whoever offends against the provisions of the preceding Section or belongs to, or parades with, any such unauthorized body of men or women with arms shall be guilty of a Class B misdemeanor.

## Indiana

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### **Ind. Const. art. 1, § 33. Military subordinate to civil power**

The military shall be kept in strict subordination to the civil power.

### **Ind. Code § 10-16-2-3. Commander in chief; duties; permission to bear arms**

(a) The governor shall:

- (1) be the commander in chief of the military forces of the state;
- (2) have supreme command of the military forces of the state while in the service of the state or until they are ordered and accepted into the service of the United States; and
- (3) have power to:
  - (A) muster out any organization of the state;
  - (B) discharge enlisted men as provided; and
  - (C) perform other acts in keeping with the laws of the state, subject to the laws of the United States and regulations prescribed by the President of the United States.

(b) An armed military force from another state or territory may not enter Indiana without permission of the governor, unless the military force is:

- (1) a part of the armed forces of the United States; or
- (2) acting under the authority of the United States.

(c) An independent military organization under the jurisdiction of the state, except as a corps of cadets in the educational institutions, may not bear arms without first securing permission of the commander in chief.

### **Iowa Const. art. I, § 14. Military**

The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

### **Iowa Code § 29A.31. Unlawful organizations**

It shall be unlawful for any person to form a military organization within the limits of this state without the written permission of the governor, which the governor may at any time revoke, but this provision shall not prevent civic, social, or benevolent organizations from wearing uniforms and equipment not in conflict with the other provisions of this chapter.

### **Iowa Code § 718.2. Impersonating a public official**

Any person who falsely claims to be or assumes to act as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the state or any subdivision thereof, having no authority to do so, commits an aggravated misdemeanor.

### **Kan. Const., Bill of Rights, § 4. Individual right to bear arms; armies**

A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.

### **Kan. Stat. Ann. § 48-203. Commander in chief; chief of staff; rank; qualifications; compensation; aides-de-camp**

The governor shall be commander in chief of the militia and shall have supreme command of the military forces of the state while in the service of the state or until they are ordered or accepted into the services of the United States. While the military forces are in the service of the state, the governor, subject to the provisions of federal law, may muster out any national guard organization of the state, discharge any enlisted person who is a member of the state national guard organization or cause any commissioned officer to be summoned and discharged if the officer persists in willfully neglecting the duties of the officer's office or fails to properly account for public property or money in the officer's possession as an officer. The resignation of officers of the national guard shall be accepted by the governor's order before they are discharged from military service of the state.

No armed military force from another state or territory shall be permitted to enter the state without the governor's permission unless the military force is part of the United States army or is acting under the authority of the United States. No independent military organization, except a corps of cadets at an educational institution, shall be permitted to bear arms without first securing permission from the commander in chief. The governor shall appoint, subject to confirmation by the senate as provided in K.S.A. 75-4315b, one adjutant general with the rank of major general, who shall be chief of staff. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as adjutant general shall exercise any power, duty or function as adjutant general until confirmed by the senate. The person appointed shall have served at least five years as a commissioned officer in the Kansas national guard and shall have been an officer in the armed forces of the United States. The adjutant general shall receive an annual salary fixed by the governor. The governor may promote, subject to confirmation by the senate as provided in K.S.A. 75-4315b, any adjutant general who has served at least 15 consecutive years as adjutant general in Kansas to the rank of lieutenant general.

The governor may also detail 12 aides-de-camp from among the officers of the Kansas national guard or the Kansas state guard, or appoint such aides-de-camp from among Kansas ex-service personnel, or reserve personnel of the United States army, air force, navy or marine corps, each with the simulated rank of lieutenant colonel in the Kansas national guard. While serving as aides-de-camp, such personnel may wear either the uniform and insignia of any military service to which they are entitled or the uniform and insignia of lieutenant colonel of the Kansas national guard.

The term of office of officers appointed pursuant to this section shall be during the pleasure of the governor appointing them and until their successors are appointed and confirmed.

### **Ky. Const. § 22.** Standing armies restricted; military subordinate to civil; quartering soldiers restricted

No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

### **Ky. Rev. Stat. Ann. § 38.440.** Entities who may drill or parade with arms without Governor's permission

(1) Except as permitted in subsections (2), (3), and (4) of this section, no persons other than the Kentucky National Guard or Kentucky active militia shall associate together as an armed company or drill or parade with arms without permission from the Governor.

(2) Students in educational institutions chartered under the laws of Kentucky, in which military science is part of the course of instruction, may drill and parade with arms in public under the supervision of their instructors.

(3) Veterans' service organizations may wear swords and may drill or parade with arms in public.

(4) People participating in the reenactment of a historical military event from the French and Indian War, Revolutionary War, War of 1812, United States Civil War, or Spanish-American War may wear swords and may drill or parade with arms in public.

## Louisiana

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### **La. Const. art. XII, § 2. Civilian-military relations**

The military shall be subordinate to the civil power.

### **La. Stat. Ann. § 29:31. Unauthorized military companies or organizations; parades; penalty**

A. No body of men, other than the organized militia of this state and the armed forces of the United States of America, students in military science courses at educational institutions, and persons honorably discharged from the armed forces of the United States of America shall associate themselves together as a military company or organization.

B. Whoever violates this Section shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

### **La. Stat. Ann. § 14:117.1. Paramilitary organizations; prohibitions**

A. No paramilitary organization, or any member thereof, shall train in this state.

B. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, or be imprisoned for not more than six months, or both.

C. (1) For the purposes of this Section, “paramilitary organization” shall mean a group organized in a military or paramilitary structure, consisting of two or more persons who knowingly possess firearms or other weapons and who train in the use of such firearms or weapons, or knowingly teach or offer to teach the use of such firearms or weapons to others, for the purpose of committing an offense under the laws of this state or any political subdivision thereof.

(2) It shall not include a law enforcement agency, the armed services or reserve forces of the United States, the Louisiana National Guard, or any other organization that may possess firearms and train with such firearms, or teach or offer to teach the use of such firearms to others, for a lawful purpose.



# Maine

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## **Me. Const. art. I, § 17. Standing armies**

No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

## **Me. Stat. tit. 37-B, § 342. Prohibited acts; penalties**

1. Failure of civil officers to perform duties. A civil officer named in this chapter, who neglects or refuses to obey the provisions of this chapter, is guilty of a Class E crime.

2. Other military organizations prohibited. No group of persons, other than federal or state military forces, may join together as a military organization or parade in public with firearms. Associations of historical military reenactors may parade in public with firearms with authorization of the city or town officials in the municipality in which they wish to parade. Students in educational institutions where military science is taught, as a prescribed part of the course of instruction, may drill and parade with firearms in public under the supervision of their military instructors. Any person violating this subsection is guilty of a Class E crime.

3. Enlistment of minors into the military. Any person who knowingly enlists, or causes or induces, a person under the age of 18 years to enlist into the state military forces without written consent of his parent or guardian is guilty of a Class E crime.

4. Obstruction of the right-of-way. The commander of any part of the state military forces parading or performing any military duty in any street or highway may require any or all persons to yield the right-of-way to his troops, provided that the transport of the United States mail, the legitimate functions, progress and operations of police, ambulances, firefighters and other authorized emergency vehicles shall not be interfered with by the troops.

Anyone who hinders, delays or obstructs any portion of the state military forces when parading or performing their military duty, or who attempts to do so, is guilty of a Class E crime.

5. Employment; leave of absence. It is unlawful for any public or private employer to penalize any member of the National Guard or the Reserves of the United States Armed Forces, with regard to compensation, hiring, tenure, terms, conditions, or privileges of employment or to deny any other incident or advantage of employment due to the employee's membership or participation in the National Guard or the Reserves of the United States Armed Forces.

A. Any person, including an employer described in this subsection, who willfully deprives a member of the National Guard or the Reserves of the United States Armed Forces, of the member's employment, prevents the member's employment, interferes with the member's employment rights as described in this subsection, or otherwise obstructs the member or the member's employer with respect to the member's occupation or business because of the member's membership in the National Guard or the Reserves of the United States Armed Forces, or who dissuades any person from enlisting in, the

National Guard or the Reserves of the United States Armed Forces by threat of injury to the member's occupation or business, is guilty of a Class E crime.

B. All officials and employees of the State who are members of the National Guard or the Reserves of the United States Armed Forces must have a leave of absence not to exceed 17 work days each calendar year from their respective duties, without loss of pay or time, when performing military duty and without loss of time or leave for all other military duty, during which the members are so engaged.

6. Discrimination against members of the National Guard or Reserves of the United States Armed Forces. Anyone who discriminates against personnel of the National Guard or the Reserves of the United States Armed Forces must be punished as follows.

A. No association or corporation organized to promote the trade, occupation or business of its members may by a rule or act discriminate against any member of the National Guard or the Reserves of the United States Armed Forces with respect to the member's eligibility for membership in the association or corporation, nor the member's right to retain the member's membership. Whoever aids in enforcing a rule or action against a member of the National Guard or the Reserves of the United States Armed Forces, with intent to discriminate against the member, is guilty of a Class E crime.

B. Whoever without good cause discriminates against any uniformed member of the National Guard or the Reserves of the United States Armed Forces with respect to the enjoyment of any public place of amusement, the use of any public conveyance, access to public lodging or the receipt of other services generally available to the public is guilty of a Class E crime.

7. Interference with members in performance of duties. Whoever intentionally molests, abuses or interferes with any member of the National Guard or the Reserves of the United States Armed Forces in the performance of the member's duty is guilty of a Class E crime.

### **Me. Stat. tit. 37-B, § 266. Prohibited acts**

1. Destruction of equipment. The penalties for destruction of equipment are as follows.

A. Any person who knowingly or recklessly destroys, injures or defaces any article of military property belonging to the State or the United States, or uses it for an unauthorized purpose, or has or retains the property in violation of law or rule is guilty of a Class E crime.

B. In case an officer or enlisted man of the state military forces through carelessness or inattention loses, destroys or causes the loss or destruction of government property which has been issued for his use, the Adjutant General shall retain, out of the pay, allowances or money due the officer or enlisted man for any military services an amount equal to the value of the property lost or destroyed. That portion of the money which is for state property shall be turned in to the Treasurer of State and credited to the Military Fund. That portion which is for United States property shall be turned into the United States Treasury and credited to the State on its property returns.

2. Equipment not to be sold. Except as otherwise provided by law, the clothes, arms, military outfits and accoutrements furnished by or through the State to any member of the state military forces shall not be

sold, bartered, exchanged, pledged, loaned or given away. Any unauthorized person who has possession of clothes, arms, military outfits or accoutrements furnished as a result of unlawful disposition shall have no right, title or interest in them. Those items may be seized as contraband by a civil officer of the State and shall be delivered to a commanding officer or other officer authorized to receive them, who shall make an immediate report to the Adjutant General. The possession of the clothes, arms, military outfits or accoutrements by any person not a member of the military forces of the State or of the United States shall be prima facie evidence of unauthorized sale, barter, exchange, pledge, loan or gift.

A. Any person who knowingly sells or offers for sale, barter, exchanges, pledges, loans or gives away, secretes or who retains, after demand made by any civil or military officer of the State, any clothes, arms, military outfits or accoutrements furnished by or through the State to a member of the state military forces is guilty of a Class E crime.

B. Whoever knowingly receives by purchase, barter, exchange, pledge, loan or gift any such clothes, arms, military outfits or accoutrements commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

3. Uniform forbidden to unauthorized persons. It is unlawful for any person not an officer or enlisted man in the federal or state military forces to wear the duly prescribed uniform of any military forces or any distinctive part of the uniform, or a uniform any part of which is similar to a distinctive part of a prescribed uniform. This subsection shall not be construed to prevent authorized persons from wearing the uniforms. The term “distinctive part of the uniform” in this subsection shall be construed to mean such parts of the uniform as may be designated as “distinctive” by the regulations of the federal military establishment. Violation of this subsection is a Class E crime.

## Maryland

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### **Md. Const., Decl. of Rights, art. XXX.**

That in all cases, and at all times, the military ought to be under strict subordination to, and control of, the civil power.

### **Md. Code Ann., Public Safety § 13-214. Prohibitions**

(a) Except for the units of the organized militia and the troops of the United States, a body of persons may not associate as a military company or organization or parade in public as a military company or organization without the permission of the Governor.

(b) Except for troops acting under the authority of the President, an armed military force from another state may not enter this State for military duty without the permission of the Governor.

## Massachusetts

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### **Mass. Const. pt. I, art. XVII.** Right to keep and bear arms; standing armies; subordination of military power to civil authority

The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

### **Mass. Gen. Laws ch. 33, § 130.** Drills or parades by armed citizens or foreign troops; conditions

The commander-in-chief may prescribe rules and regulations under which bodies of citizens of the United States, or foreign troops to whose admission to the United States the government of the United States has consented, may drill or parade with firearms or harmless imitations thereof. The commander-in-chief may authorize the use by any such body of any state armory or air installation for drill or training.

### **Mass. Gen. Laws ch. 33, § 131.** Unauthorized parades by armed citizens; unlawful maintenance of armories; penalties

Whoever violates any provision of section one hundred and twenty-nine or one hundred and thirty shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or both.

# Michigan

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## **Mich. Const. art. 1, § 7: Military power subordinate to civil power**

The military shall in all cases and at all times be in strict subordination to the civil power.

## **Mich. Comp. Laws § 750.402. Certain societies parading under arms**

Any society whose membership is confined to members of a certain race, which has heretofore adopted a uniform similar to the uniform of the organized militia of this state, may continue to wear the same when appearing in public, but the governor of this state may, by a proper order, in times of public tumult, direct that such societies shall not parade under arms, and if any society disobey such order, the persons so violating said order shall be guilty of a misdemeanor.

## **Mich. Comp. Laws § 750.528a. Firearm or explosive or incendiary device; teaching or demonstrating use, application, or construction; assembly for the purpose of training, practicing, or being instructed**

(1) As used in this section:

(a) “Civil disorder” means any public disturbance involving the use of any firearm, explosive, or incendiary device by 3 or more assembled persons that causes an immediate danger to, or that results in damage or injury to, any property or person.

(b) “Explosive or incendiary device” means:

(i) Dynamite, gunpowder, or other similarly explosive substance.

(ii) Any bomb, grenade, missile, or similar device designed to expand suddenly and release internal energy resulting in an explosion.

(iii) Any incendiary bomb or grenade, fire bomb, or similar device designed to ignite, including any device that consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material that, if ignited, is capable of igniting the flammable liquid or compound; and that may be carried or thrown by a person.

(c) “Firearm” means any weapon that will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

(d) “Law enforcement officer” means any of the following:

(i) A sheriff or sheriff's deputy, a village marshal or township constable, an officer of the police department of any city, village, or township, an officer of the Michigan state police, or a peace officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(ii) Any officer or employee of the United States, its possessions, or territories who is authorized to enforce the laws of the United States, its possessions, or its territories.

(iii) Any member of the National Guard, coast guard, military reserve, or the armed forces of the United States when acting in his or her official capacity.

(2) A person shall not teach or demonstrate to another person the use, application, or construction of any firearm, or any explosive or incendiary device, if that person knows, has reason to know, or intends that what is taught or demonstrated will be used in, or in furtherance of, a civil disorder.

(3) A person shall not assemble with 1 or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, or any explosive or incendiary device, if that person intends to use that firearm or device in, or in furtherance of, a civil disorder.

(4) This section does not apply to any act of a law enforcement officer that is performed in the lawful performance of his or her official duties as a law enforcement officer, or any activity of any hunting club, rifle club, rifle range, pistol range, shooting range, or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sports, self-defense, or other lawful activities.

(5) A person who violates this section is guilty of a felony.

### **Mich. Comp. Laws § 750.215. Representation as or performance of duties of peace officer or medical examiner; prohibited conduct**

(1) An individual who is not a peace officer or a medical examiner shall not do any of the following:

(a) Perform the duties of a peace officer or a medical examiner.

(b) Represent to another person that he or she is a peace officer or a medical examiner for any unlawful purpose.

(c) Represent to another person that he or she is a peace officer or a medical examiner with the intent to compel the person to do or refrain from doing any act against his or her will.

(2) Except as provided in subsection (3), an individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) An individual who, in violation of subsection (1), performs the duties of a peace officer to commit or attempt to commit a crime or represents to another person that he or she is a peace officer to commit or attempt to commit a crime is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(4) A sentence imposed under subsection (3) may be ordered to be served consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

(5) As used in this section, “peace officer” means any of the following:

- (a) A sheriff or deputy sheriff of a county of this state or another state.
- (b) An officer of the police department of a city, village, or township of this state or another state.
- (c) A marshall of a city, village, or township.
- (d) A constable.
- (e) An officer of the Michigan state police.
- (f) A conservation officer.
- (g) A security employee employed by the state pursuant to section 6c of 1935 PA 59, MCL 28.6c.
- (h) A motor carrier officer appointed pursuant to section 6d of 1935 PA 59, MCL 28.6d.
- (i) A police officer or public safety officer of a community college, college, or university who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university.
- (j) A park and recreation officer commissioned under section 1606 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1606.
- (k) A state forest officer commissioned under section 83107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.83107.
- (l) A federal law enforcement officer.
- (m) An investigator of the state department of attorney general.
- (n) A railroad police officer appointed, commissioned, and acting as provided in section 367 of the railroad code of 1993, 1993 PA 354, MCL 462.367.

**Mich. Comp. Laws § 750.401. Army, navy or national guard uniform, unauthorized wearing**

Any person other than an officer or enlisted man of the national guard of the state of Michigan, or of any other state, or of the United States army or navy, marine corps or revenue service or forest service, or instructor or student in a military school, or inmate of any veterans' or soldiers' home, who at any time wears the uniform of the United States army or navy or national guard, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the state of Michigan, shall be guilty of a misdemeanor: Provided, That nothing in this section shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any playhouse or theatre while actually engaged in following said profession: Provided further, That nothing in this section shall be construed as prohibiting the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room: Provided further, That whenever the national guard or any part thereof is in active service, or is called into actual service, no civic organization or member thereof shall parade or appear in uniform in the locality where said national guard is in service.



## Minnesota

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### **Minn. Const. art. I, § 14. Military power subordinate**

The military shall be subordinate to the civil power and no standing army shall be maintained in this state in times of peace.

### **Minn. Stat. § 624.61. Armed association**

It shall not be lawful for any body of persons, other than the National Guard, troops of the United States and, with the consent of the governor, sons and daughters of veterans and cadets of educational institutions where military science is taught, to associate themselves together as a military company with arms, but members of social and benevolent organizations are not prohibited from wearing swords. Any violation of this section shall be a misdemeanor.

### **Minn. Stat. § 609.669. Civil disorder**

Subdivision 1. Prohibited acts.

(a) A person is guilty of a gross misdemeanor who:

(1) teaches or demonstrates to any other person how to use or make any firearm, or explosive or incendiary device capable of causing injury or death, knowing or having reason to know that it will be unlawfully employed for use in, or in furtherance of, a civil disorder; or

(2) assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, or explosive or incendiary device capable of causing injury or death, with the intent that it be unlawfully employed for use in, or in furtherance of, a civil disorder.

(b) This section does not apply to law enforcement officers engaged in the lawful performance of the officer's official duties.

Subdivision 2. Definitions. For purposes of this section, the following terms have the meanings given them:

(1) "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual;

(2) "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon;

(3) "explosive or incendiary device" has the meaning given in section 609.668, subdivision 1; and

(4) “law enforcement officer” means any officer or employee of the United States, the state, or any political subdivision of the state, and specifically includes members of the National Guard and members of the armed forces of the United States.

## Mississippi

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### **Miss. Const. art. III, § 9. Subordination of military to civil power**

The military shall be in strict subordination to the civil power.

### **Miss. Code Ann. § 33-1-31. Unlawful military styled organizations**

It shall be unlawful for any body of men whatsoever, other than the regularly organized armed militia of this state, the Armed Forces of the United States, and the students of public or of regularly chartered educational institutions where military science is a prescribed part of the course of instruction and color guards or ceremonial firing squads of veterans organizations chartered by acts of congress, to associate themselves together as a military organization for drill or parade in public with firearms in this state, without special license from the Governor for each occasion. Application for such license must be approved by the mayor and board of aldermen or commissioners of the town or city where such organization may propose to parade. Any person or persons participating in such unlawful association shall be guilty of a misdemeanor and on conviction of same shall be punished by imprisonment in the county jail for a term not to exceed six months (6) or by a fine not to exceed Five Hundred Dollars (\$ 500.00) or both fine and imprisonment, at the discretion of the court. The Governor may permit the passage through or the attendance in the state of the organized militia of other states for the purpose of attending joint maneuvers, rifle competitions, or for such other purposes as he may deem proper.

### **Mo. Const. art. I, § 24. Subordination of military to civil powers—quartering soldiers**

That the military shall be always in strict subordination to the civil power; that no soldier shall be quartered in any house without the consent of the owner in time of peace, nor in time of war, except as prescribed by law.

### **Mo. Rev. Stat. § 574.070. Promoting civil disorder in the first degree, penalty**

1. As used in this section, the following terms mean:

(1) “Civil disorder”, any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual;

(2) “Explosive or incendiary device”, includes:

(a) Dynamite and all other forms of high explosives;

(b) Any explosive bomb, grenade, missile, or similar device; and

(c) Any incendiary bomb or grenade, fire bomb, or similar device, including any device which consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and can be carried or thrown by one individual acting alone;

(3) “Firearm”, any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon;

(4) “Law enforcement officer”, any officer or employee of the United States, any state, any political subdivision of a state, or the District of Columbia. The term “law enforcement officer” shall specifically include, but shall not be limited to, members of the National Guard, as defined in Section 101(9) of Title 10, United States Code, and members of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by Section 101(9) of Title 10, United States Code, and members of the Armed Forces of the United States.

2. A person commits the offense of promoting civil disorder if he or she teaches or demonstrates to any other person the use, application, or construction of any firearm, explosive, or incendiary device capable of causing injury or death to any person, knowing or intending that such firearm, explosive, or incendiary device be used in furtherance of a civil disorder.

3. The offense of promoting civil disorder is a class D felony.

4. Nothing contained in this section shall be construed to prohibit the training or teaching of the use of weapons for law enforcement purposes, hunting, recreation, competition, or other lawful uses and activities.

## Montana

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### **Mont. Const. art. II, § 32. Civilian control of the military**

The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner provided by law.

### **Mont. Code Ann. § 45-8-109. Civil disorder—prohibited activities—penalties—exceptions**

(1) A person is guilty of a crime if, with one or more other persons, the person purposely or knowingly assembles for the purpose of training in, instructing in the use of, or practicing with any technique or means capable of causing property damage, bodily injury, or death, with the purpose of employing the training, instruction, or practice in a civil disorder.

(2) A person convicted of violating the provisions of subsection (1) is guilty of a felony and shall be imprisoned in the state prison for a period not to exceed 10 years or be fined not to exceed \$50,000, or both.

(3) Subsection (1) does not prohibit:

- (a) an act protected pursuant to Article II of the Montana constitution;
- (b) an act of a governmental military force;
- (c) an act of a peace officer performed in the lawful performance of the officer's duties;
- (d) an authorized activity of the department of fish, wildlife, and parks; the department of corrections; a law enforcement agency; or the law enforcement academy;
- (e) training in nonviolent civil disobedience techniques;
- (f) lawful self-defense or defense of others or an activity intended to teach or practice self-defense or self-defense techniques; or
- (g) a facility, program, or lawful activity related to firearms instruction or training intended to teach the safe handling and use of firearms or activities or sports related to recreational use or possession of firearms.

(4) Sections 45-8-107 through 45-8-109 do not apply to an employer or employees involved in a labor dispute.

## Nebraska

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### **Neb. Const. art. I, § 17. Military subordinate**

The military shall be in strict subordination to the civil power.

### **Neb. Rev. Stat. § 28-1480. Terms, defined**

(1) Civil disorder shall mean any public disturbance involving acts of violence which causes an immediate danger of or results in damage or injury to persons or property;

(2) Explosive or incendiary device shall mean (a) dynamite and all other forms of high explosives, (b) any explosive bomb, grenade, missile, or similar device, and (c) any incendiary bomb or grenade, firebomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and (ii) can be carried or thrown by one individual acting alone; and

(3) Firearm shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

### **Neb. Rev. Stat. § 28-1481. Acts prohibited**

It shall be unlawful within the boundaries of this state:

(1) For any person to teach or demonstrate to any other person the use, application, or making of any firearm or explosive or incendiary device capable of causing injury or death to persons when such person knows or has reason to know or intends that such information or ability will be unlawfully employed for use in or in furtherance of a civil disorder; or

(2) For any person to assemble with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm or explosive or incendiary device capable of causing injury or death to persons when such person intends to unlawfully employ such training, practice, or instruction for use in or in furtherance of a civil disorder.

### **Neb. Rev. Stat. § 28-1482. Violation, penalty**

Any person violating section 28-1481 shall be guilty of a Class IV felony.

## Nevada

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### **Nev. Const. art. I, § 11. Right to keep and bear arms; civil power supreme**

1. Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes.
2. The military shall be subordinate to the civil power; No standing army shall be maintained by this State in time of peace, and in time of War, no appropriation for a standing army shall be for a longer time than two years.

### **Nev. Rev. Stat. § 203.080. Armed Association**

1. It shall be unlawful for any body of individuals other than municipal police, university or public school cadets or companies, militia of the State or troops of the United States, to associate themselves together as a military company with arms without the consent of the Governor; but members of social and benevolent associations are not prohibited from wearing swords.
2. Every person who shall associate with others in violation of this section shall be guilty of a misdemeanor.

### **Nev. Rev. Stat. § 412.604. Unlawful drill or parade with arms by voluntary company or voluntary organization without license; drill or parade by students with consent of Governor; penalty**

1. It is unlawful for any body of persons whatever, other than the Nevada National Guard and the troops of the United States, to associate themselves together as a volunteer military company or volunteer military organization to drill or parade with arms in any city or town of this state, without the license of the Governor, which license may at any time be revoked.
2. Students in educational institutions where military science is a part of the course of instruction may, with the consent of the Governor, drill and parade with arms in public under the superintendence of their instructor.
3. Nothing contained in this section shall be construed so as to prevent members of benevolent or social organizations from wearing swords.
4. Any person violating any of the provisions of this section is guilty of a misdemeanor.



## New Hampshire

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### **N.H. Const. pt. 1, art. XXVI. Military subject to civil power**

In all cases, and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

### **N.H. Rev. Stat. § 104:28-a. False Personation**

Any person who knowingly and falsely assumes or exercises the functions, powers, duties, or privileges incident to the office of sheriff, deputy sheriff, state police officer, police officer of any city or town, or any other law enforcement officer or investigator employed by any state, country or political subdivision of a state or country, or who wears or displays without authority any uniform, badge, or other identification by which such sheriff, officer, or investigator is lawfully identified, and with the intent to be recognized as such, shall be guilty of a class B felony.

### **N.H. Rev. Stat. Ann. § 111:15. Armed civilian groups**

No organization, society, club, post, order, league or other combination of persons, or civil group, or any members thereof, are authorized to assume any semblance of military organization or character by bearing or possessing rifles, pistols, sabres, clubs, or military weapons of any kind, or wearing a military uniform of any kind. Any person violating any of the provisions of this section or taking part in such military organization shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and any rifles, pistols, sabres, clubs or other military weapons used in violation hereof shall be forfeited. This section shall not apply to regularly constituted military units under state or federal laws; and nothing in this section shall be construed as forbidding the possession and use of rifles for color guards or firing squad purposes, or the wearing of uniforms of a military character, by an organization composed wholly of veteran soldiers who participated in any war of the United States, or by any other recognized fraternal group of long-standing in the community which uses rifles or sabres merely as a part of its ritualistic exercises and which is not specifically disapproved by the President of the United States, the Department of Defense, or the governor.

### **N.J. Const. art. I, § 15.**

The military shall be in strict subordination to the civil power.

### **N.J. Stat. Ann. § 2C:39-14. Training, practice or instruction in use, application or making of firearm, explosive device or technique capable of causing injury for illegal activity**

- a. Any person who teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or destructive device, or technique capable of causing injury or death to a person, knowing or having reason to know or intending that it will be employed for use in, or in furtherance of, an illegal activity is guilty of a crime of the second degree.
- b. Any person who assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or destructive device, or technique capable of causing injury or death to a person, intending to unlawfully employ it for use in, or in furtherance of, an illegal activity is guilty of a crime of the second degree.

## New Mexico

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### **N.M. Const. art. II, § 9. Military subordination**

The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

### **N.M. Stat. Ann. § 30-20A-1. Short title**

This act may be cited as the “Antiterrorism Act”.

### **N.M. Stat. Ann. § 30-20A-2. Definitions**

As used in the Antiterrorism Act:

A. “civil disorder” means any planned act of violence by an assemblage of two or more persons with the intent to cause damage or injury to another individual or his property;

B. “destructive device” means:

(1) any explosive, incendiary or poison gas:

(a) bomb;

(b) grenade;

(c) rocket having a propellant charge of more than four ounces;

(d) missile having an explosive or incendiary charge of more than one-quarter ounce;

(e) mine; or

(f) similar device;

(2) any type of weapon that can expel or may be readily converted to expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than six-tenths inch in diameter, except a shotgun, shotgun shell or muzzle loading firearm that is generally recognized as particularly suitable for sporting purposes; or

(3) any part or combination of parts either designed or intended for use in converting or assembling any device described in Paragraphs (1) and (2) of this subsection.

The term “destructive device” shall not include any device that is neither designed nor redesigned for use as a weapon;

C. “firearm” means any weapon that can expel or is designed to or may readily be converted to expel a projectile by the action of an explosion, the frame or receiver of any such weapon, any firearm muffler or firearm silencer. “Firearm” includes any handgun, rifle or shotgun; and

D. “law enforcement officer” means any employee of a police or public safety department administered by the state or any political subdivision of the state where the employee is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this state. “Law enforcement officer” includes any member of the New Mexico national guard; any peace officer of the United States, any state, any political subdivision of a state or the District of Columbia; any member of the New Mexico mounted patrol or the national guard, as defined in 10 U.S.C. Sec. 101(9); any member of the organized militia of any state or territory of the United States, the commonwealth of Puerto Rico or the District of Columbia not included within the definition of national guard; and any member of the armed forces of the United States. “Law enforcement officer” also means any person or entity acting as a contractor for any other law enforcement officer, police or public safety department described in this section.

### **N.M. Stat. Ann. § 30-20A-3. Unlawful acts; penalty**

A. Any person who teaches or demonstrates the use, application or making of any firearm, destructive device or technique capable of causing injury or death to any person with the intent that the knowledge or skill taught, demonstrated or gained be unlawfully used in furtherance of a civil disorder is guilty of a fourth degree felony and shall be sentenced under the provisions of the Criminal Sentencing Act to imprisonment for a definite term of eighteen months or, in the discretion of the sentencing court, to a fine of not more than five thousand dollars (\$5,000), or both.

B. Any person who trains, practices or receives instruction in the use of any firearm, destructive device or technique capable of causing injury or death to any person with the intent that the knowledge or skill taught, demonstrated or gained be unlawfully used in furtherance of a civil disorder is guilty of a fourth degree felony and shall be sentenced under the provisions of the Criminal Sentencing Act to imprisonment for a definite term of eighteen months or, in the discretion of the sentencing court, to a fine of not more than five thousand dollars (\$5,000), or both.

### **N.M. Stat. Ann. § 30-20A-4. Exemptions**

A. Nothing in the Antiterrorism Act shall make unlawful any activity:

- (1) in accordance with Article 2, Section 6 of the constitution of New Mexico;
- (2) of any governmental agency;
- (3) of any law enforcement agency;
- (4) of any hunting, rifle, pistol, shotgun, sportsmen's or conservation club;
- (5) lawfully engaged in on a shooting range;
- (6) lawfully undertaken pursuant to any shooting school or other program of instruction;

(7) intended to teach the safe handling, including marksmanship, or use of firearms, archery equipment or other weapons or techniques to individuals or groups;

(8) that teaches the use of martial arts or arms for the defense of home, person or property or the lawful use of force as defined in Section 30-2-7 NMSA 1978; or

(9) that is otherwise lawful.

B. Nothing in the Antiterrorism Act shall make unlawful any act of a law enforcement officer that is performed as a part of his official duties.

### **N.M. Stat. Ann. § 30-27-2.1. Impersonating a peace officer**

A. Impersonating a peace officer consists of:

(1) without due authority exercising or attempting to exercise the functions of a peace officer; or

(2) pretending to be a peace officer with the intent to deceive another person.

B. Whoever commits impersonating a peace officer is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth degree felony.

C. As used in this section, “peace officer” means any public official or public officer vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

### **N.Y. Mil. Law § 240. Military parades and organizations by unauthorized bodies prohibited**

1. No body of men other than the organized militia and the armed forces of the United States except such independent military organizations as were on the twenty-third day of April, eighteen eighty-three and now are in existence and such other organizations as may be formed under the provisions of this chapter, shall associate themselves together as a military company or other unit or parade in public with firearms in any city or town of this state.
2. No municipal corporation shall raise or appropriate any money toward arming or equipping, uniforming or in any other way supporting, sustaining or providing drill rooms or armories for any such body of men.
3. No body of men shall be granted a certificate of incorporation under any corporate name which shall mislead, or tend to mislead, any person into believing that such corporation is connected with or attached to the organized militia or any unit thereof in any capacity or way whatsoever. In case any such certificate has been heretofore or may hereafter be granted, which in the judgment of the adjutant general, misleads or tends to mislead anyone into believing that such corporation is so connected or attached in any capacity or way whatsoever, the adjutant general shall notify such corporation, in writing, to forthwith discontinue the use of its said corporate name and forthwith take the necessary steps to change its name pursuant to the statute in such case made and provided, to some name not so calculated to mislead. In the event such proceedings are not forthwith taken and completed within six months from the service of said notice, the attorney general shall bring an action to procure a judgment vacating or annulling the act of incorporation of such corporation, or any act renewing the corporation, or continuing its corporate existence or annulling the existence of such corporation.
4. Associations wholly composed of soldiers honorably discharged from the service of the United States, or members of the order of Sons of Veterans, may parade in public with firearms on Memorial day, or on May first, known as Dewey day, or upon the reception of any unit of the organized militia or of the armed forces of the United States returning from duty or from the active military service of the United States, and for the purpose of escort duty at the burial of deceased members or former members of the organized militia or the armed forces of the United States. Students in educational institutions where military science is a prescribed part of the course of instruction, and cadet organizations composed of youths under eighteen years of age, under responsible instructors, may, with the consent of the adjutant general, drill and parade with firearms in public under the superintendence of their instructors.
5. Any person violating any provision of subdivisions one through four of this section shall be guilty of a misdemeanor.
6. (a) Any person who assembles or conspires to assemble with one or more persons as a paramilitary organization and has knowledge of its purpose is guilty of a class C felony when he, with one or more other members of such organization, practices with a military weapon in order to further the purpose of such organization.  
  
(b) As used in this subdivision:

(i) “paramilitary organization” means an organization of two or more persons who engage or conspire to engage in military instruction or training in warfare or sabotage for the purpose of unlawfully causing physical injury to any person or unlawfully damaging the property of any person.

(ii) “Military weapon” means any device capable of discharging a projectile by means of a gas generated from an explosive compound, or any explosive or incendiary bomb, grenade, rocket, missile, or similar device or launching device therefor; or any device that simulates any of the foregoing.

7. This section shall not be construed to prevent any organization authorized to do so by law from parading with firearms, nor to prevent parades by the organized militia of any other state.

### **N.Y. Mil. Law § 238-c. Wearing of uniforms; prohibited**

a. It shall be unlawful for any person to appear in any public place or in the public view attired in any uniform similar to that worn by the military, semi-military, naval, police, storm troop or other official or semi-official forces of any foreign state, nation or government, or attired in any distinctive part or parts of such a uniform, or to assemble with other persons similarly attired in any camp, drill ground or other place for the purpose of engaging in military drill or training or other military practices.

b. It shall be unlawful for any person to appear in any public place, or in the public view attired in any uniform similar to that worn by the members of the storm troop of Nazi Germany, or attired in any distinctive part or parts of such a uniform, or to assemble with other persons similarly attired in any camp, drill ground or other place.

c. It shall be unlawful for any person to appear in any public place or in the public view attired in the uniform or wearing the distinctive garment of any association of persons of whatsoever nature or form which engages in, adopts, or imitates the drill formations, salutes or other methods or practices or the symbols of any foreign military, semi-military, naval, police, storm troop or similar foreign organization, or to assemble with other persons similarly attired in any camp, drill ground or other place for the purpose of engaging in military drill or training or other military practices.

d. It shall be unlawful for the proprietor, manager or keeper of a public hall, public garden, theatre or any other place of public meeting, resort or amusement to permit therein any assemblage of persons attired as prohibited in this section.

e. It shall be unlawful for any person to appear in any public place or in the public view attired in the uniform or wearing the distinctive garment of any association of persons of whatsoever nature or form which engages in, adopts, or imitates the drill formations, salutes or other methods or practices or the symbols of the members of the storm troop of Nazi Germany or similar foreign organization, or to assemble with other persons similarly attired in any camp, drill ground or other place for the purpose of engaging in military drill or training or other military practices.

f. This section shall not apply to the officers or members of the military, semi-military, naval, police or other official or semi-official forces of any foreign state, nation or government lawfully within the state of New York, the Knights of Columbus, the Boy Scouts of America, any student of any school or academy recognized by the board of regents of the state of New York, nor to the members of the cast of any stage

or motion picture production characterizing the officials of a foreign state, nation or government; provided, however, that in any prosecution hereunder it shall be presumed that a person wearing the uniform of a foreign state, nation or government or of any of its official or semi-official forces or attired in any distinctive part or parts of such a uniform, was not at the time of the alleged violation of this section a member of any of the organizations excepted herein.

g. A violation of any of the provisions of this section shall be a class A misdemeanor.



## North Carolina

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### **N.C. Const. art. I, § 30. Militia and the right to bear arms**

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.

### **N.C. Gen. Stat. § 127A-151. Organizing company without authority**

If any person shall organize a military company, or drill or parade under arms as a military body, except under the militia laws and regulations of the State, or shall exercise or attempt to exercise the power or authority of a military officer in this State, without holding a commission from the Governor, the person shall be guilty of a Class 1 misdemeanor.

### **N.C. Gen. Stat. § 14-288.20. Certain weapons at civil disorders**

(a) The definitions in G.S. 14-288.1 do not apply to this section. As used in this section:

- (1) The term “civil disorder” means any public disturbance involving acts or violence by assemblages of three or more persons, which causes an immediate danger of damage or injury to the property or person of any other individual or results in damage or injury to the property or person of any other individual.
- (2) The term “firearm” means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of such a weapon.
- (3) The term “explosive or incendiary device” means
  - (i) dynamite and all other forms of high explosives,
  - (ii) any explosive bomb, grenade, missile, or similar device, and
  - (iii) any incendiary bomb or grenade, fire bomb, or similar device, including any device which
    - (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting that flammable liquid or compound, and
    - (ii) can be carried or thrown by one individual acting alone.

(4) The term “law-enforcement officer” means any officer of the United States, any state, any political subdivision of a state, or the District of Columbia charged with the execution of the laws thereof; civil officers of the United States; officers and soldiers of the organized militia and state guard of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia; and members of the Armed Forces of the United States.

(b) A person is guilty of a Class H felony, if he:

(1) Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder; or

(2) Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ unlawfully the training, practicing, instruction, or technique for use in, or in furtherance of, a civil disorder.

(c) Nothing contained in this section shall make unlawful any act of any law-enforcement officer which is performed in the lawful performance of his official duties.

### **N.D. Const. art. I, § 19.**

The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

### **N.D. Cent. Code § 37-01-21. Military parades by certain bodies prohibited — exceptions — penalty**

No body of people, other than the regularly organized units of the national guard and militia and the troops of the United States, may associate themselves together as a military company or organization or parade in public with firearms, and no municipality may raise or appropriate any money toward arming or equipping, uniforming or in any other way supporting, sustaining, or providing drillrooms or armories for, any such body of people. Associations wholly composed of soldiers honorably discharged from the service of the United States and members of the order of sons of veterans may parade in public with firearms on Decoration Day, upon the reception of any regiment or company of soldiers returning from service, or for the purpose of escort duty at the burial of deceased soldiers. Students in educational institutions where military science is a prescribed part of the course of instruction, with the consent of the governor, may drill and parade with firearms in public under the superintendence of their teachers. This section does not prevent any organization authorized to do so by law from parading with firearms nor prevent parades by the national guard of other states. Any person violating any provision of this section is guilty of a class B misdemeanor.

### **Ohio Const. art. I, § 4.** Bearing arms; standing armies; military powers

The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

### **Okla. Const. art. II, § 14. Military subordinate to civil authorities—quartering without owner’s consent**

The military shall be held in strict subordination to the civil authorities. No soldier shall be quartered in any house, in time of peace, without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

### **Okla. Stat. tit. 44, § 23. Governor as Commander in Chief—Powers—Armed military forces from other state or territory—Independent military organizations**

The Governor of the state shall be the Commander in Chief of the Militia, and as such shall have supreme command of the military forces of the state while in the service of the state or until they are ordered and accepted into the service of the United States. While in the service of the state, he shall have power to muster out any organization of the state, discharge enlisted men, as provided herein, and perform such other acts in keeping with the laws of the Commander in Chief, subject to the laws of the United States and regulations prescribed by the President of the United States. No armed military force from another state or territory shall be permitted to enter the state without his permission, unless such military force be a part of the United States, or is acting under the authority of the United States. No independent military organization, except as a corps of cadets at the educational institutions, shall be permitted to bear arms without first securing permission of the Commander in Chief.

### **Okla. Stat. tit. 21, § 1320.10. Teaching, demonstrating or training in the use of firearms, explosives or incendiary devices in furtherance of riot or civil disorder**

No person, except those specifically authorized by the state or federal government, shall:

1. Teach or demonstrate to any group of persons the use, application or making of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person knowing or intending that such firearm, explosive or incendiary device or application of physical force will be employed for use in, or in furtherance of, a riot or civil disorder; or
2. Assemble with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person, intending to employ such firearm, explosive or incendiary device or application of physical force for use in, or in furtherance of, a riot or civil disorder. Any violation of this section shall be a felony.

### **Okla. Stat. tit. 21, § 264. False impersonation of peace officers**

A. Any person who shall without due authority exercise or attempt to exercise the functions of or hold himself or herself out to any one as a deputy sheriff, marshal, police officer, constable or peace officer shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding One Hundred Dollars (\$100.00), or by both such fine

and imprisonment; provided, however, this section shall not be so construed as to prevent private persons from making arrests for felonies or misdemeanors committed in their presence.

B. It shall be unlawful for any person to affix on his or her motor vehicle, either temporarily or permanently, any insignia typically used by a law enforcement agency for the purpose of causing any other motor vehicle operator to yield the right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. The provisions of this subsection shall not apply to vehicles of any fire department, fire patrol, law enforcement vehicles, ambulances, or other authorized emergency vehicles.

### **Or. Const. art. I, § 27. Right to bear arms; military subordinate to civil power**

The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power.

### **Or. Rev. Stat. § 166.660. Unlawful paramilitary activity**

(1) A person commits the crime of unlawful paramilitary activity if the person:

(a) Exhibits, displays or demonstrates to another person the use, application or making of any firearm, explosive or incendiary device or any technique capable of causing injury or death to persons and intends or knows that such firearm, explosive or incendiary device or technique will be unlawfully employed for use in a civil disorder; or

(b) Assembles with one or more other persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or technique capable of causing injury or death to persons with the intent to unlawfully employ such firearm, explosive or incendiary device or technique in a civil disorder.

(2) (a) Nothing in this section makes unlawful any act of any law enforcement officer performed in the otherwise lawful performance of the officer's official duties.

(b) Nothing in this section makes unlawful any activity of the State Department of Fish and Wildlife, or any activity intended to teach or practice self-defense or self-defense techniques, such as karate clubs or self-defense clinics, and similar lawful activity, or any facility, program or lawful activity related to firearms instruction and training intended to teach the safe handling and use of firearms, or any other lawful sports or activities related to the individual recreational use or possession of firearms, including but not limited to hunting activities, target shooting, self-defense, firearms collection or any organized activity including, but not limited to any hunting club, rifle club, rifle range or shooting range which does not include a conspiracy as defined in ORS 161.450 ("Criminal conspiracy" described) or the knowledge of or the intent to cause or further a civil disorder.

(3) Unlawful paramilitary activity is a Class C felony.

(4) As used in this section:

(a) "Civil disorder" means acts of physical violence by assemblages of three or more persons which cause damage or injury, or immediate danger thereof, to the person or property of any other individual.

(b) "Firearm" has the meaning given that term in ORS 166.210 (Definitions).

(c) “Explosive” means a chemical compound, mixture or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin, blasting caps and nitrojelly, but excluding fireworks as defined in ORS 480.111, black powder, smokeless powder, small arms ammunition and small arms ammunition primers.

(d) “Law enforcement officer” means any duly constituted police officer of the United States, any state, any political subdivision of a state or the District of Columbia, and also includes members of the military reserve forces or National Guard as defined in 10 U.S.C. 101 (9), members of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico or the District of Columbia not included within the definition of National Guard as defined by 10 U.S.C. 101 (9), members of the Armed Forces of the United States and such persons as are defined in ORS 161.015 (4) when in the performance of official duties.

### **Or. Enrolled Bill 2572 (2023): An act relating to paramilitary activity**

(1) A person or group of persons is subject to an action described in subsection (2) or (3) of this section for engaging in paramilitary activity if the person or group of persons knowingly, while acting as part of a private paramilitary organization or on behalf of or in furtherance of any objective of a private paramilitary organization:

(a) While armed with a deadly weapon, publicly patrols or drills;

(b) While armed with a dangerous or deadly weapon:

(A) Publicly engages in techniques capable of causing physical injury or death;

(B) Substantially disrupts governmental operations or a government proceeding;

(C) Assumes, exercises or asserts, without legal authorization, the functions, powers or duties of:

(i) A law enforcement officer, including any sheriff, police officer, marshal or other peace officer; or

(ii) Any local, city, county, state or federal official; or

(D) Interferes with another person and thereby:

(i) Prevents the other person, or attempts to prevent the other person, from engaging in conduct in which the other person has a legal right to engage; or

(ii) Causes the other person, or attempts to cause the other person, to engage in conduct from which the other person has a legal right to abstain; or

(c) Trains to engage in any activity described in paragraphs (a) or (b) of this subsection.



- (2) (a) If the Attorney General has reasonable cause to believe that a person or group of persons has engaged in, or is about to engage in, paramilitary activity as described in subsection (1) of this section, the Attorney General may bring a civil action in the name of the State of Oregon for injunctive relief in Marion County Circuit Court or any other circuit court of this state.
- (b) (A) If it appears to the Attorney General that a person has possession, custody or control of any information, document or other material that is relevant to an investigation of paramilitary activity as described in subsection (1) of this section, or that could lead to the discovery of relevant information in an investigation of paramilitary activity as described in subsection (1) of this section, the Attorney General may cause an investigative demand to be served upon the person. The investigative demand may require the person:
- (i) To appear and testify under oath at the time and place stated in the investigative demand;
  - (ii) To answer written interrogatories; or
  - (iii) To produce relevant documentary material or physical evidence for examination at the time and place stated in the investigative demand.
- (B) An investigative demand under this paragraph shall be served in the manner provided by ORS 646.622 and may be enforced in the manner provided by ORS 646.626.
- (c) When conducting investigations under this section, the Attorney General may not demand, collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless the information directly relates to an investigation into, and there are reasonable grounds to suspect that the subject of the information is involved in, paramilitary activity as described in subsection (1) of this section.
- (3) (a) A person injured as a result of paramilitary activity as described in subsection (1) of this section may bring a civil action, individually or jointly with other aggrieved persons, in the appropriate court for relief against the person or persons who engaged in the paramilitary activity.
- (b) A plaintiff who prevails in a claim under this subsection may recover:
- (A) Economic or noneconomic damages, as those terms are defined in ORS 31.705;
  - (B) Injunctive relief;
  - (C) Reasonable attorney fees; and
  - (D) Any other appropriate equitable relief.
- (4) This section does not apply to:
- (a) The Armed Forces of the United States or the National Guard, as those terms are defined in 10 U.S.C. 101, or any regularly organized state militia or unorganized or reserve militia called into service by a state or the United States, including a defense force authorized under 32 U.S.C. 109(c).

(b) A group of individuals that associates as a military organization solely for historical purposes or fictional performances, or that parades in public as part of a bona fide veterans' organization, so long as the group does not carry or use ammunition or explosives.

(c) Students in an education institution authorized by a state or federal government to teach military science as a prescribed part of the course of instruction, when under the supervision of a military instructor.

(d) Members of an organization that is authorized under state or federal law to provide paramilitary, law enforcement or security services training or to engage in paramilitary activity or the provision of law enforcement or security services, when performing the functions authorized by law and, in the case of paramilitary activity and law enforcement services, when under the direction and control of a governmental authority.

(e) Any lawful activity of the State Department of Fish and Wildlife.

(f) Any activity intended to teach or practice self-defense or self-defense techniques, such as karate clubs or self-defense clinics, and similar lawful activity.

(g) Any facility, program or lawful activity related to firearms instruction and training intended to teach the safe handling and use of firearms, or any other lawful sports or activities related to the individual recreational use or possession of firearms, including but not limited to hunting activities, target shooting, self-defense, firearms collection or any organized activity, including but not limited to any hunting club, rifle club, rifle range or shooting range, which does not include a criminal conspiracy as defined in ORS 161.450 or the knowledge of or the intent to cause or further acts of physical violence or damage to persons or property.

(5) As used in this section:

(a) "Dangerous weapon" has the meaning given that term in ORS 161.015.

(b) "Deadly weapon" has the meaning given that term in ORS 161.015.

(c) "Private paramilitary organization" means any group of three or more persons associating under a command structure for the purpose of functioning in public or training to function in public as a combat, combat support, law enforcement or security services unit.

(d) "State" means the District of Columbia or a state, commonwealth, territory or possession of the United States.

# Pennsylvania

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## **Pa. Const. art. I, § 22. Standing army; military subordinate to civil power**

No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

## **18 Pa. Cons. Stat. Ann. § 5515. Prohibiting of paramilitary training**

(a) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Civil disorder.” Any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

“Explosive or incendiary device.” Includes:

- (1) dynamite and all other forms of high explosives;
- (2) any explosive bomb, grenade, missile or similar device; and
- (3) any incendiary bomb or grenade, fire bomb or similar device, including any device which:
  - (i) consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound; and
  - (ii) can be carried or thrown by one individual acting alone.

“Firearm.” Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

“Law enforcement officer.” Any officer or employee of the United States, any state, any political subdivision of a state or the District of Columbia and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in 10 U.S.C. § 101(9), members of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico or the District of Columbia, not included within the definition of National Guard as defined by 10 U.S.C. § 101(9) and members of the armed forces of the United States.

(b) Prohibited training.—

- (1) Whoever teaches or demonstrates to any other person the use, application or making of any firearm, explosive or incendiary device or technique capable of causing injury or death to persons, knowing or having reason to know or intending that same will be unlawfully employed for use in, or in furtherance of, a civil disorder commits a misdemeanor of the first degree.

(2) Whoever assembles with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or technique capable of causing injury or death to persons, said person intending to employ unlawfully the same for use in or in furtherance of a civil disorder commits a misdemeanor of the first degree.

(c) Exemptions.—Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

(d) Excluded activities.—Nothing contained in this section shall make unlawful any activity of the Game Commission, Fish and Boat Commission, or any law enforcement agency, or any hunting club, rifle club, rifle range, pistol range, shooting range or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment or other weapons or techniques employed in connection with lawful sports or other lawful activities.

## Rhode Island

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### **R.I. Const. art. I, § 18. Subordination of military to civil authority—martial law**

The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

### **30 R.I. Gen. Laws § 30-12-7. Unauthorized military organizations or parades—Revocation of authority**

(a) No body of persons, other than the national guard, the independent chartered military organizations, the unorganized militia on active duty, the military and naval forces and air force of the United States, associations wholly composed of soldiers, sailors, marines, or air persons, honorably discharged from the service of the United States, veterans of the national guard or naval militia, the organization of the order of the sons of veterans, and organizations now or hereafter authorized to do so by the express permission of the governor or otherwise by law, shall associate themselves together as a military company or organization, or parade in public with firearms in any city or town of this state.

(b) No city or town shall raise or appropriate any money toward arming or equipping, uniforming, or in any other way supporting, sustaining, or providing drill rooms or armories for any body described in subsection (a). This section shall not be construed to prevent any organization, now authorized to do so by the express permission of the governor or otherwise, by law, from parading with firearms, nor to prevent drills or parades by the national guard of any other state. The governor may at any time revoke the permission granted by himself or herself or any previous governor to any organization or body of persons to associate themselves together as a military company or meet as a military company for drill with arms, or parade in public as a military company with arms. Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

### **11 R.I. Gen. Laws Ann. § 11-55-2. Paramilitary training prohibited**

(a) Any person who teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that it will be unlawfully employed for use in, or in furtherance of, a civil disorder; or any person who assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive, or incendiary device, or technique capable of causing injury or death to persons, intending to employ it unlawfully for use in, or in furtherance of, a civil disorder shall be guilty of a felony.

(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his or her official duties.

### **30 R.I. Gen. Laws § 30-12-9. Unlawful wearing of uniform**

It shall be a misdemeanor for any person not an officer or enlisted person of the national guard to wear the duly prescribed uniform of the national guard, or any distinctive part of that uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the national guard, except members of the department of defense of the United States and the national guard or naval militia of this or any other state, members of associations wholly composed of soldiers, sailors, or marines and air persons honorably discharged from the service of the United States, veterans of the national guard or naval militia, members of the order of the sons of veterans, and such others as may be specially authorized so to do by the governor, or under the laws of the United States or of this state.

### **S.C. Const. art. I, § 20.** Right to keep and bear arms; armies; military power subordinate to civil authority; how soldiers quartered

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner nor in time of war but in the manner prescribed by law.

### **S.C. Code Ann. § 16-8-20.** Teaching or demonstrating use or making of destructive device; penalties

(A) A person may not:

(1) teach or demonstrate to another person the use, application, or making of a firearm or destructive device which is capable of causing injury or death if the person knows, has reason to know, or intends that what is taught or demonstrated will be employed unlawfully for use in, or in furtherance of, a civil disorder; nor

(2) assemble with one or more persons for the purpose of training, practicing, or instructing in the use of a firearm or destructive device which is capable of causing injury or death to persons if the training, practice, or instruction is used in furtherance of an unlawful purpose or a civil disorder.

(B) A person who violates the provisions of subsection (A) is guilty of a felony and, upon conviction:

(1) for a first offense must be fined not more than five thousand dollars or imprisoned for not more than five years, or both;

(2) for a second or subsequent offense must be fined not more than ten thousand dollars or imprisoned for not more than ten years, or both.

## South Dakota

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### **S.D. Const. art. VI, § 16.** Military subordinate to civil power—quartering of soldiers

The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.



## Tennessee

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### **Tenn. Const. art. I, § 24. Military subordinate to civil authority**

That the sure and certain defense of a free people, is a well regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

### **Tenn. Code Ann. § 39-17-314. Civil disorder**

(a) As used in this section, unless the context otherwise requires:

(1) “Civil disorder” means any public disturbance involving acts of violence by an assemblage of two (2) or more persons which acts cause an immediate danger of or result in damage or injury to the property or person of any other individual;

(2) “Governmental military force” means the:

(A) National guard as defined in 10 U.S.C. § 101(9);

(B) Organized militia of any state or territory of the United States, the commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of “national guard”; and

(C) Armed forces of the United States; and

(3) “Law enforcement agency” means a governmental unit of one (1) or more persons employed full time or part time by the state or federal government, or political subdivision of the state or federal government, for the purpose of preventing and detecting crime and enforcing laws or local ordinances and the employees of which are authorized to make arrests for crimes while acting within the scope of their authority.

(b) A person commits an offense who assembles with one (1) or more persons for the purpose of training or instructing in the use of, or practicing with, any technique or means capable of causing property damage, bodily injury or death with the intent to employ such training, instruction or practice in the commission of a civil disorder.

(c) A violation of this section is a Class D felony.

(d) (1) Nothing contained in this section makes unlawful any act protected by the constitution of Tennessee, or any act of a law enforcement officer that is performed in the lawful performance of the officer's official duties.

(2) Nothing contained in this section makes unlawful:

(A) Any activity of a governmental military force, the Tennessee wildlife resources agency, the department of correction or any law enforcement agency;

(B) Any activity intended to teach or practice self-defense or self-defense techniques, such as karate clubs or self-defense clinics, and similar lawful activity;

(C) Any facility, program or lawful activity related to firearms instruction and training intended to teach the safe handling and use of firearms; or

(D) Any other lawful sports or activities related to the individual recreational use or possession of firearms, including, but not limited to, hunting activities, target shooting, self-defense, firearms collection or any organized activity, including, but not limited to, any hunting club, rifle club, rifle range or shooting range that does not include a conspiracy as defined under the laws of this state, or the knowledge of or the intent to cause or further a civil disorder.

(e) Nothing contained in this section makes unlawful any practice or drill of an organization whose purpose is the reenactment of battles for historic purposes or of ceremonial organizations of a military nature.

### **Tex. Const. art. I, § 24. Military subordinate to civil authority**

The military shall at all times be subordinate to the civil authority.

### **Tex. Gov't Code § 437.208. Organization prohibited**

(a) Except as provided by Subsection (b), a body of persons other than the regularly organized Texas military forces, the armed forces of the United States, or the active militia of another state may not associate as a military company or organization or parade in public with firearms in a municipality of the state.

(b) With the consent of the governor, students in an educational institution at which military science is a prescribed part of the course of instruction may drill and perform ceremonies with firearms in public. The governor may delegate the powers granted by this subsection to the adjutant general.

### **Tex. Penal Code § 37.11. Impersonating Public Servant**

(a) A person commits an offense if the person:

(1) impersonates a public servant with intent to induce another to submit to the person's pretended official authority or to rely on the person's pretended official acts; or

(2) knowingly purports to exercise, without legal authority, any function of a public servant or of a public office, including that of a judge and court.

(b) An offense under this section is a felony of the third degree.

## Utah

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### **Utah Const. art. I, § 20. Military subordinate to the civil power**

The military shall be in strict subordination to the civil power, and no soldier in time of peace, shall be quartered in any house without the consent of the owner; nor in time of war except in a manner to be prescribed by law.

## Vermont

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### **Vt. Const. ch. I, art. XVI.** Right to bear arms; standing armies; military power subordinate to civil

That the people have a right to bear arms for the defence of themselves and the State—and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

### **Vt. Stat. Ann. tit. 13 § 4071.** Prohibition on private paramilitary training.

(a) A person shall not:

(1) teach, train, or demonstrate to any other person the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the teaching, training, or demonstrating is intended to be used in or in furtherance of a civil disorder; or

(2) assemble with one or more other persons for the purpose of practicing or being taught, trained, or instructed in the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or in techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the practicing, teaching, training, or instruction is intended to be used in or in furtherance of a civil disorder.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$50,000.00, or both.

(c) This section shall not apply to:

(1) activity engaged in for legitimate law enforcement purposes by a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2358;

(2) lawful activity engaged in by students at Norwich University or any other educational institution where military science is taught as a prescribed part of the course of instruction;

(3) any activity undertaken without knowledge of or intent to cause or further a civil disorder that is intended to teach or practice self-defense or self-defense techniques, including karate clubs, self-defense clinics, and similar lawful activity;

(4) any facility, program, or lawful activity related to firearms instruction and training that is intended to teach the safe handling and use of firearms; or

(5) any lawful sports or activities related to the individual recreational use or possession of firearms, including hunting pursuant to 10 V.S.A. part 4, target shooting, self-defense, and firearms collection.

**Vt. Stat. Ann. tit. 13 § 4073. Civil enforcement and injunctive relief.**

If the Attorney General or a State's Attorney has reason to believe that a person is violating or is about to violate section 4071 of this title, and that proceedings would be in the public interest, the Attorney General or State's Attorney may bring an action in the name of the State in the Civil Division of the Superior Court to restrain the violation by temporary or permanent injunction. The action shall be brought in the Superior Court of the county in which the person resides, has a place of business, or is doing business. The courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of section 4071 of this title.

### **Va. Const. art. I, § 13. Militia; standing armies; military subordinate to civil power**

That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

### **Va. Code Ann. § 18.2-433.1. Definitions**

As used in this article:

“Civil disorder” means any public disturbance within the United States or any territorial possessions thereof involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

“Explosive or incendiary device” means (i) dynamite and all other forms of high explosives, (ii) any explosive bomb, grenade, missile, or similar device, or (iii) any incendiary bomb or grenade, fire bomb, or similar device, including any device which consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and can be carried or thrown by one individual acting alone.

“Firearm” means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon.

“Law-enforcement officer” means any officer as defined in § 9.1-101 or any such officer or member of the armed forces of the United States, any state, any political subdivision of a state, or the District of Columbia, and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in § 101 (c) of Title 10, United States Code, members of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such § 101 (c), and members of the Armed Forces of the United States.

### **Va. Code Ann. § 18.2-433.2. Paramilitary activity prohibited; penalty**

A person is guilty of unlawful paramilitary activity, punishable as a Class 5 felony, if he:

1. Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such training will be employed for use in, or in furtherance of, a civil disorder;

2. Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ such training for use in, or in furtherance of, a civil disorder; or
3. Violates subsection A of § 18.2-282 while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons.

### **Va. Code Ann. § 18.2-433.3. Exceptions**

Nothing contained in this article shall be construed to apply to:

1. Any act of a law-enforcement officer performed in the otherwise lawful performance of the officer's official duties;
2. Any activity, undertaken without knowledge of or intent to cause or further a civil disorder, which is intended to teach or practice self-defense or self-defense techniques such as karate clubs or self-defense clinics, and similar lawful activity;
3. Any facility, program or lawful activity related to firearms instruction and training intended to teach the safe handling and use of firearms; or
4. Any other lawful sports or activities related to the individual recreational use or possession of firearms, including but not limited to hunting activities, target shooting, self-defense and firearms collection.

Notwithstanding any language contained herein, no activity of any individual, group, organization or other entity engaged in the lawful display or use of firearms or other weapons or facsimiles thereof shall be deemed to be in violation of this statute.

### **Va. Code Ann. § 18.2-174. Impersonating law-enforcement officer; penalty**

Any person who falsely assumes or exercises the functions, powers, duties, and privileges incident to the office of sheriff, police officer, marshal, or other peace officer, or any local, city, county, state, or federal law-enforcement officer, or who falsely assumes or pretends to be any such officer, is guilty of a Class 1 misdemeanor. A second or subsequent offense is punishable as a Class 6 felony.

### **Va. Code Ann. § 44-120. Protection of the uniform**

It shall be unlawful for any person, not an officer, warrant officer or enlisted person in the armed forces of the United States, to wear the duly prescribed uniform thereof, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the armed forces of the United States.

The foregoing provision shall not be construed so as to prevent officers, warrant officers or enlisted persons of the National Guard, nor to prevent members of the organization known as the Boy Scouts of America, or such other organizations as the Secretary of Defense may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the armed forces of the United States and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the



highest grade they have held in such service; nor to prevent any person who has been honorably discharged from the armed forces of the United States from wearing his uniform from the place of his discharge to his home, within three months after his discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers and enlisted persons, or both, of the armed forces of the United States from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by members thereof; nor to prevent the instructors and members of the duly organized cadet corps of any educational institution offering a regular course in military instruction from wearing the uniform duly prescribed by appropriate respective authority to be worn by instructors and members of such cadet corps; nor to prevent the instructors and members of such duly organized cadet corps of such institution of learning offering a regular course in military instruction and at which an officer, warrant officer or enlisted person of the armed forces of the United States is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by appropriate authority to be worn by instructors and members of such cadet corps; nor to prevent civilians attending a course of military instruction authorized and conducted by the military authorities of the United States from wearing while attending such a course the uniform authorized and prescribed by such military authorities to be worn during such course of instruction; nor to prevent any person from wearing the uniform of the armed forces of the United States, in any playhouse or theater or in motion picture films or television while actually engaged in representing therein a military character not tending to bring discredit or reproach upon the armed forces of the United States.

The uniform worn by members of military societies, or the instructors and members of the cadet corps referred to in the preceding paragraph, shall include some distinctive mark or insignia approved by the Secretary of Defense, to distinguish such uniforms from the uniform of the armed forces of the United States. The members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by the officers of the armed forces of the United States, or any insignia of rank similar thereto, unless otherwise authorized.

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding \$100, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

## Washington

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### **Wash. Const. art. I, § 18. Limitation of military power**

The military shall be in strict subordination to the civil power.

### **Wash. Rev. Code § 38.40.120. Authorized military organizations**

No organized body other than the recognized militia organizations of this state, armed forces of the United States, students of educational institutions where military science is a prescribed part of the course of instruction or bona fide veterans organizations shall associate themselves together as a military company or organize or parade in public with firearms: PROVIDED, That nothing herein shall be construed to prevent authorized parades by the organized militia of another state or armed forces of foreign countries. Any person participating in any such unauthorized organization shall be guilty of a misdemeanor.

### **Wash. Rev. Code § 9A.48.120. Civil disorder training**

(1) A person is guilty of civil disorder training if he or she teaches or demonstrates to any other person the use, application, or making of any device or technique capable of causing significant bodily injury or death to persons, knowing, or having reason to know or intending that same will be unlawfully employed for use in, or in furtherance of, a civil disorder.

(2) Civil disorder training is a class B felony.

(3) Nothing in this section makes unlawful any act of any law enforcement officer that is performed in the lawful performance of his or her official duties.

(4) Nothing in this section makes unlawful any act of firearms training, target shooting, or other firearms activity, so long as it is not done for the purpose of furthering a civil disorder.

(5) For the purposes of this section:

(a) “Civil disorder” means any public disturbance involving acts of violence that is intended to cause an immediate danger of, or to result in, significant injury to property or the person of any other individual.

(b) “Law enforcement officer” means any law enforcement officer as defined in RCW 9A.76.020(2) including members of the Washington national guard, as defined in RCW 38.04.010.

## **Wash Rev. Code § 9A.60.045. Criminal impersonation in the second degree**

(1) A person is guilty of criminal impersonation in the second degree if the person:

- (a) (i) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and
  - (ii) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer; or
- (b) Falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

(2) Criminal impersonation in the second degree is a gross misdemeanor.

### **W. Va. Const. art. III, § 12. Military subordinate to civil power**

Standing armies, in time of peace, should be avoided as dangerous to liberty. The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the state, shall be tried or punished by any military court, for any offence that is cognizable by the civil courts of the state. No soldier shall, in time of peace, be quartered in any house, without consent of the owner; nor in time of war, except in the manner to be prescribed by law.

### **W. Va. Code § 15-1F-7. Unlawful military organizations**

(a) It is unlawful for any body of individuals other than the regularly organized National Guard or the troops of the United States, to associate themselves together as a military company or organization in this state.

(b) Notwithstanding subsection (a) of this section, the Governor may grant permission to public or private schools of the state to organize themselves into companies of cadets, and may furnish the cadets, under proper restrictions, obsolete ordnance stores and equipment owned by the state that are not in use by the National Guard.

(c) It is not a violation of this section for a group of individuals to associate as a military company or organization for historical, artistic or fictional performances; or, for an individual or group of individuals to drill, perform or parade at public ceremonies, including funerals.

(d) A person who violates subsection (a) of this section, or belongs to or parades with a body of individuals with arms violating subsection (a) of this section, is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100 or confined in jail for not more than six months.

### **Wis. Const. art. I, § 20.** Military subordinate to civil power

The military shall be in strict subordination to the civil power.

### **Wis. Stat. § 946.69.** Falsely assuming to act as a public officer or employee or a utility employee

(1) In this section, “utility” means any of the following:

- (a) A public utility, as defined in s. 196.01(5).
- (b) A municipal power district, as defined in s. 198.01(6).
- (c) A cooperative association organized under ch. 185 or 193 to furnish or provide telecommunications service, or a cooperative organized under ch. 185 to furnish or provide gas, electricity, power or water.

(2) Whoever does any of the following is guilty of a Class I felony:

- (a) Assumes to act in an official capacity or to perform an official function, knowing that he or she is not the public officer or public employee or the employee of a utility that he or she assumes to be.
- (b) Exercises any function of a public office, knowing that he or she has not qualified so to act or that his or her right so to act has ceased.

## Wyoming

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### **Wyo. Const. art. I, § 25. Military subordinate to civil power**

The military shall ever be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

### **Wyo. Stat. Ann. § 19-8-104. Other organizations parading with arms prohibited; penalty**

(a) No group or assembly of persons other than the regularly organized national guard or the troops of the United States shall associate themselves together as a military company or organization, or parade in public with arms without license of the governor. No city or town shall raise or appropriate monies for arming, equipping, uniforming or in any way supporting, sustaining or providing drill rooms or armories for such group or assembly of persons.

(b) Any person violating subsection (a) of this section or who belongs to or parades with any unauthorized group or assembly of persons with arms shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), by imprisonment for a term not exceeding one (1) year, or both, for each offense.