

SUBJECT: State of Texas Extension to Federal Servicemembers Civil Relief Act (SCRA) for Guardsmen on State Active Duty

REFERENCES:

- SCRA State Laws: <https://www.servicememberscivilreliefact.com/blog/scra-state-laws/>
- [50 U.S. Code Chapter 50 - SERVICEMEMBERS CIVIL RELIEF](#)
- [Texas Civil Practice and Remedies Code - CIV PRAC & REM § 16.022. Effect of Disability](#)

ISSUE: Texas Guardsmen can be called to extended periods of State Active Duty (SAD) without commensurate protections as the SCRA.

POINT OF CONTACT: NGAT Resolutions Committee

PROPOSAL: Texas establish an extension to U.S. federal statute 50 U.S. Code Chapter 50 - SERVICEMEMBERS CIVIL RELIEF for Texas National Guardsmen mobilized under State Active Duty for an extended period (30-days) of time.

BACKGROUND INFORMATION: Recent events with Operation Lone Star demonstrated that State Active Duty (SAD) can be an extended mission. The Governor of Texas mobilized Texas Guardsmen in a very short period of time to deploy away from their families, jobs, and their obligations with none of the federal protections afforded to the mobilizing servicemembers during a Title 32 or Title 10 mobilization under 50 U.S. Code Chapter 50 – SERVICEMEMBERS CIVIL RELIEF, i.e. SCRA. Providing this protection would mitigate the friction of a no-notice mobilization under SAD. Further, the Governor of Texas has demonstrated the will to continue with this SAD mission for an extended period of time, continuing the risk to Texas Guardsmen under their obligations.

Currently, there are 22 states that provide SCRA extensions to Guardsmen who are ordered to active duty by their respective governors.

Texas only provides limited protection. Per the Servicemembers Civil Relief Act Centralized Verification Service:

“Texas law tolls the statutes of limitation for those under a “legal disability” who are entitled to sue for the recovery of real property or entitled to make a defense based on the title to real property. (The definition of “legal disability” includes those serving in the armed forces during wartime.)”

RECOMMENDATION: Pass a Texas extension to SCRA that applies to Texas Guardsmen mobilized for 30 days or more on SAD missions. This is in parallel with other states who offer similar benefits to their Guardsmen and will ensure the readiness of Texas Guardsmen mobilized for no-notice state emergencies for an extended period of time.