



Key Message

Recent force structure changes require updates to ensure that states' definitions of military service align with federal law. States can minimize disruptions in benefits and services for eligible service members and dependents by clearly defining "armed forces."

Analysis

States provide an array of programs and services to members of the armed forces and their dependents. However, eligibility depends on how the state defines "armed forces."

The United States Space Force was established as an independent branch of the uniformed services on Dec. 20, 2019. However, definitions of military service and uniformed service vary widely between states and even within a state's own statutory framework. Some definitions still do not recognize Space Force. Title 10 U.S. Code, Section 101, defines the term "armed forces" to include the Army, Marine Corps, Navy, Department of the Air Force, Space Force and Coast Guard. It defines the term "uniformed services" to include the "armed forces, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service."

States are starting to align their definition of armed forces and uniformed services with Title 10. However, states are not adjusting every use of the term in their state codes or laws. A consistent approach to align state definitions of members of the uniformed services and armed forces will ensure that service members and their families are equally represented under all state laws defining military service, military retiree or the term veteran.

Best Practices

1. Redefining "armed forces" or "uniformed services" using policy definitions that apply to all state code:

EXAMPLE:

Utah House Bill 57 (2021):

<https://le.utah.gov/~2021/bills/static/HB0057.html>

Utah HB 57 redefines the term armed forces in one location of state code and then references this definition when applicable in the rest of the state code.

"Section 5. Section 68-3-12.5 is amended to read:

68-3-12.5. Definitions for Utah Code.

(1) The definitions listed in this section apply to the Utah Code, unless [...]

(5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard [...]



Section 6. Section 78A-5-302 is amended to read:

78A-5-302. Definitions.

As used in this part:

(1) "Defendant" means a veteran charged with a criminal offense [...]

(5) "Servicemember" means:

(a) a member of the active or reserve components of the [Army, Navy, Air Force, Marine Corps, or Coast Guard, of the United States] armed forces as defined in Section 68-3-12.5; or

(b) a member of the National Guard of the United States."

2. Redefining "armed forces" in each section of code where the definition is applied to a particular section of that code (and includes the definition of uniformed services):

EXAMPLE:

Florida Senate Bill 438 (2022)

<https://www.flsenate.gov/Session/Bill/2022/438>

Florida Senate Bill 438 updates various sections of the Florida Statutes to reflect the creation and operations of Space Force as a separate branch of the armed forces. Specifically, the bill adds Space Force to several places in statute where exhaustive lists of armed forces branches already exist. Florida includes the broader definition of "uniformed services" to encompass any service which is associated with the armed services.

"Section 1. Paragraph (a) of subsection (20) of section 61.703, Florida Statutes, is amended to read:

61.703 Definitions.—As used in this part:

(20) "Uniformed service" means any of the following:

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard of the United States.

Section 2. Subsection (1) of section 92.51, Florida Statutes, is amended to read:

92.51 Oaths, affidavits, and acknowledgments; taken or administered by commissioned officer of United States Armed Forces.

(1) Oaths, affidavits, and acknowledgments required or authorized by the laws of this state may be taken or administered within or without the United States by or before any commissioned officer in active service of the Armed Forces of the United States with the rank of second lieutenant or higher in the Army, Air Force, Space Force, or Marine Corps or ensign or higher in the Navy or Coast Guard when the person required or authorized to make and execute the oath, affidavit, or acknowledgment is a member of the Armed Forces of the United States [...]

Section 3. Subsection (42) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:



(42) “Uniformed services” means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

Section 4. Section 115.01, Florida Statutes, is amended to read:

115.01 Leave of absence for military service.— Any county or state official of the state, subject to the provisions and conditions hereinafter set forth, may be granted leave of absence from his or her office, to serve in the volunteer forces of the United States, or in the National Guard of any state, or in the regular Army, or Navy, Air Force, Marine Corps, or Space Force of the United States [...]

Section 7. Subsection (4) of section 250.01, Florida Statutes, is amended to read:

250.01 Definitions.—As used in this chapter, the term:

(4) “Armed Forces” means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

Section 8. Subsection (2) of section 250.43, Florida Statutes, is amended to read:

250.43 Wearing of uniform and insignia of rank; penalty.—

(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, or Space Force, who wears the uniform of the United States Army, Navy, Marine Corps, Air Force, Space Force, National Guard [...]

Section 10. Paragraph (b) of subsection (1) of section 295.061, Florida Statutes, is amended to read:

295.061 Active duty servicemembers; death benefits. —

(1) As used in this section, the term:

(b) “United States Armed Forces” means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

Section 11. Subsection (7) of section 296.02, Florida Statutes, is amended to read:

296.02 Definitions.— For the purposes of this part, except where the context clearly indicates otherwise:

(7) “Peacetime service” means Army, Navy, Marines, Coast Guard, or Air Force, or Space Force service that is not during a wartime era as defined in s. 1.01(14). [...]

Section 22: [...] 1000.36 Interstate Compact on Educational Opportunity for Military Children [...]

Article II [...]

(R). “Uniformed services” means the Army, Navy, Air Force, Space Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services. [...]