

SENATE BILL 13

E4

71r0050

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Military)**

Requested: September 30, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – State Militia**

3 FOR the purpose of clarifying that service in the Maryland Defense Force is ~~at will and~~
4 voluntary and a member may be dismissed with cause; altering the classes of State
5 militia; repealing the requirement that a certain individual take a certain oath;
6 repealing certain authorization and requirements relating to organizational
7 commanders; repealing a certain requirement relating to inspections of a unit of the
8 organized militia; altering the composition of a certain retired list; amending the
9 authority by which the National Guard is organized; specifying who is authorized to
10 administer certain oaths; repealing certain provisions relating to appointment and
11 commission of certain officers; altering the oath of service for an individual who
12 serves in the Maryland Defense Force; prohibiting the Maryland Defense Force or
13 its members from accepting certain items in exchange for a service rendered; altering
14 certain definitions; making stylistic changes; and generally relating to the State
15 militia.

16 BY repealing

17 Article – Public Safety

18 Section 13–206, 13–509, and 13–510; and 13–601 through 13–603 and the subtitle
19 “Subtitle 6. Officers”

20 Annotated Code of Maryland

21 (2011 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 13–101, 13–203, 13–204, 13–207, 13–210 through 13–213, 13–401, 13–407,
4 13–408, 13–501 through 13–504, 13–506, 13–706, and 13–902
5 Annotated Code of Maryland
6 (2011 Replacement Volume and 2016 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That Section(s) 13–206, 13–509, and 13–510; and 13–601 through 13–603 and the subtitle
9 “Subtitle 6. Officers” of Article – Public Safety of the Annotated Code of Maryland be
10 repealed.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
12 as follows:

13 **Article – Public Safety**

14 13–101.

15 (a) In this title the following words have the meanings indicated.

16 (b) “Department” means the Military Department.

17 (c) “Maryland Defense Force” means the [military force] **VOLUNTEER**
18 **ORGANIZATION** established under Subtitle 5 of this title.

19 (d) “National Guard” means the Maryland Army National Guard and Maryland
20 Air National Guard.

21 (e) (1) “State active duty” means military duty performed in service of the
22 State by a unit or member of the militia under orders issued by the Governor under Article
23 II, § 8 of the Maryland Constitution or § 13–702 of this title.

24 (2) Unless the Governor specifically provides otherwise, “State active duty”
25 does not include drill periods, preparation for drill periods, annual training, or other
26 equivalent training or duty conducted under **THIS TITLE OR** orders issued under Title 10
27 or Title 32 of the United States Code.

28 13–203.

29 (a) There are [two] **THREE** classes of State militia:

30 (1) the organized militia; [and]

31 (2) **THE MARYLAND DEFENSE FORCE; AND**

1 **(3)** the unorganized militia.

2 (b) The organized militia of the State consists of:

3 (1) the National Guard; **AND**

4 (2) the Inactive National Guard[]; and

5 (3) the Maryland Defense Force].

6 (c) The unorganized militia consists of those individuals described under §
7 13–202 of this subtitle but who are not regularly enlisted or commissioned in the organized
8 militia **OR WHO ARE NOT MEMBERS OF THE MARYLAND DEFENSE FORCE.**

9 13–204.

10 (a) The general appropriations for the militia shall be exclusively applied to the
11 necessary and contingent expenses of the office of the Adjutant General and to the
12 equipment, maintenance, and general efficiency of the [organized] **STATE** militia.

13 (b) (1) Except as provided in this title, unless authorized by the Adjutant
14 General, a person may not make a purchase, incur a debt or expense, or expend money for
15 the militia.

16 (2) (i) The Adjutant General shall adopt rules for the receipt and
17 expenditure of all money that comes under the control of the Adjutant General.

18 (ii) The Adjutant General may require bond from persons involved
19 in the receipt and expenditure of money that the Adjutant General designates.

20 (c) (1) The commanding officer of an organization or detachment of the
21 [organized] **STATE** militia that is on State active duty may purchase necessities that are
22 absolutely required for the immediate use and care of the officer's command.

23 (2) If a commanding officer on State active duty makes a purchase under
24 this subsection, the commanding officer shall:

25 (i) take a receipt of the purchase in triplicate; and

26 (ii) promptly submit a report of the purchase through regular
27 channels to the Department's Finance Officer.

28 (3) The report shall contain:

29 (i) a list of the articles purchased;

1 (ii) the price of the articles; and

2 (iii) the receipts.

3 (d) (1) Except as provided in paragraph (3) of this subsection, the Adjutant
4 General shall audit and pay all bills and military accounts payable by the State.

5 (2) The Adjutant General shall follow as nearly as possible the financial
6 operating procedures established by the United States Department of Defense.

7 (3) The Comptroller shall be the auditor of all accounts for property
8 purchased by the Adjutant General.

9 (4) The Treasurer shall pay an audited military account from an
10 appropriation made by the General Assembly, on the warrant of the Adjutant General,
11 under the direction of the Governor.

12 13-207.

13 (a) [An organization commander:

14 (1) may require those under the command of the organization commander
15 to perform any military duty; and

16 (2) is responsible to the Governor for the general efficiency of the units of
17 the organized militia under the command of the organization commander.

18 (b)] A commanding officer of a unit is responsible to the officer's immediate
19 commander for the equipment, drill, instruction, movements, and efficiency of those under
20 the officer's command.

21 [(c) (B) Each officer or enlisted individual is responsible to the individual's
22 immediate commanding officer for prompt and unhesitating obedience, proper drill, and
23 the preservation and proper use of the property of the organization, the State, or the United
24 States that is in the individual's possession.

25 [(d) A unit of the organized militia shall be inspected:

26 (1) by an officer detailed for inspection duty, whenever the Governor
27 considers it advisable; and

28 (2) by an officer of the United States Army or Air Force, as provided by
29 federal law or regulation.]

30 13-210.

1 (a) (1) This subsection applies to the period of time that an employee is ordered
2 by the Governor to active military duty in the organized militia **OR THE MARYLAND**
3 **DEFENSE FORCE** of the State for service during:

4 (i) a civil disorder;

5 (ii) a natural disaster;

6 (iii) a labor disorder; or

7 (iv) any other activity requiring support of the State militia.

8 (2) The Adjutant General shall secure compensation under the Maryland
9 Workers' Compensation Act for each officer and enlisted individual of the organized militia
10 **OR THE MARYLAND DEFENSE FORCE** by maintaining an insurance policy with the
11 Chesapeake Employers' Insurance Company or with a stock corporation or mutual
12 association authorized to transact the business of workers' compensation insurance in the
13 State.

14 (3) (i) An officer, enlisted individual, or employee of the Department is
15 not entitled to the benefits of this section if the officer, enlisted individual, or employee is
16 injured in the course of employment and has insurance coverage through the federal
17 government that is equal to or better than the coverage provided by this title.

18 (ii) If a benefit provided by the federal government is less than that
19 provided by the Maryland Workers' Compensation Act, the State and its insurer shall
20 furnish the additional benefit necessary to make up the difference between the benefit
21 provided by the federal government and the similar benefit required under the Maryland
22 Workers' Compensation Act.

23 (4) The insurance provided under this subsection shall only cover incidents
24 that occur after July 1, 1979.

25 (b) In addition to the benefits under subsection (a) of this section, the Adjutant
26 General shall maintain workers' compensation insurance for members of the Maryland
27 Defense Force during training.

28 (c) The Adjutant General shall pay the premiums for the insurance policy
29 required under this section from appropriations for the militia that the Governor includes
30 in the State budget.

31 13-211.

32 (a) (1) To promote efficiency and reward continuous service, the Governor may
33 issue service medals of appropriate designs to officers and enlisted individuals in the
34 **[organized] STATE** militia who have completed 5 years or more of continuous service.

1 (2) The Governor shall adopt regulations to carry out this subsection.

2 (b) (1) The State may issue appropriate ribbon badges to represent any issued
3 or authorized medal.

4 (2) [An officer or enlisted individual in the organized] **A MEMBER OF THE**
5 **STATE** militia may wear a ribbon badge issued under this subsection as part of the uniform.
6 13-212.

7 A member of the organized militia **OR MARYLAND DEFENSE FORCE**, including the
8 member's conveyance and military property, shall be allowed free passage through any toll
9 gate and over any toll road, bridge, or ferry if the member:

10 (1) is traveling to or returning from a parade, encampment, drill, or other
11 duty that the member may be required by law to attend; and

12 (2) presents an order for duty or identification card.

13 13-213.

14 (a) The Governor may adopt regulations that provide for the retirement of officers
15 and enlisted individuals.

16 (b) The Governor may order a retired officer or enlisted individual to active duty.

17 (c) (1) There is a retired list exclusively restricted to retired officers and
18 enlisted individuals of the organized militia.

19 (2) The retired list shall be divided into [three] **TWO** groups of retired
20 individuals:

21 (i) the National Guard;

22 [(ii) the Maryland Defense Force;] and

23 [(iii)] **(II)** the Inactive National Guard.

24 13-401.

25 (a) (1) The National Guard consists of:

26 (i) the units of the organized militia allocated to the State by the
27 United States Department of Defense that are supported wholly or partly by federal funds;
28 and

1 (ii) individuals transferred with the approval of the Governor to the
2 National Guard by federal authorities to complete a reserve service obligation imposed by
3 federal law.

4 (2) The inactive National Guard consists of officers and enlisted
5 individuals commissioned in, enlisted in, or transferred to the inactive National Guard.

6 (3) An individual transferred to the National Guard is considered a
7 member of the National Guard whether or not the individual executed the oath prescribed
8 by [§ 13–206] § 13–407 of this [title] SUBTITLE.

9 (b) The National Guard and its units shall be organized as prescribed [for the
10 United States Army or United States Air Force, subject in time of peace to general
11 exceptions that the Secretary of the Army or the Secretary of the Air Force authorize] BY
12 COMPETENT FEDERAL AUTHORITY.

13 (c) If the National Guard or any of its units are ordered into active military
14 service of the United States by the President of the United States, the Governor may
15 increase the military force and organize those units as the emergency requires.

16 13–407.

17 (A) A commissioned officer of the National Guard shall take the following oath of
18 office:

19 “I,, do solemnly swear that I will support and defend the Constitution of
20 the United States and the Constitution of the State of Maryland, against all enemies,
21 foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey
22 the orders of the President of the United States and of the Governor of the State of
23 Maryland; that I take this obligation freely, without any mental reservation or purpose of
24 evasion, and that I will well and faithfully discharge the duties of the office of
25 in the National Guard of the United States and of the State of Maryland upon which I am
26 about to enter, so help me God.”

27 (B) AN INDIVIDUAL ENLISTING IN THE NATIONAL GUARD SHALL TAKE AND
28 SUBSCRIBE TO THE FOLLOWING OATH OF ENLISTMENT:

29 “I DO HEREBY ACKNOWLEDGE TO HAVE VOLUNTARILY ENLISTED THIS
30 DAY OF, 20, IN THE NATIONAL GUARD OF THE STATE OF MARYLAND FOR
31 THE PERIOD OF YEAR(S), UNDER THE CONDITIONS PRESCRIBED BY LAW, UNLESS
32 SOONER DISCHARGED BY PROPER AUTHORITY. I,, DO SOLEMNLY SWEAR (OR
33 AFFIRM) THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE UNITED STATES
34 OF AMERICA AND TO THE STATE OF MARYLAND; THAT I WILL SERVE THEM
35 HONESTLY AND FAITHFULLY AGAINST ALL THEIR ENEMIES WHOMSOEVER; AND
36 THAT I WILL OBEY THE ORDERS OF THE PRESIDENT OF THE UNITED STATES AND

1 THE GOVERNOR OF MARYLAND AND THE ORDERS OF THE OFFICERS APPOINTED
2 OVER ME, ACCORDING TO LAW AND REGULATIONS.”

3 (C) ANY OFFICER OF THE ORGANIZED MILITIA MAY ADMINISTER AN OATH
4 PROVIDED IN THIS SECTION.

5 13-408.

6 (A) (1) ON THE RECOMMENDATION OF THE ADJUTANT GENERAL, THE
7 GOVERNOR SHALL APPOINT AND COMMISSION EACH COMMISSIONED OFFICER OR
8 APPOINT EACH WARRANT OFFICER IN THE NATIONAL GUARD.

9 (2) THE APPOINTMENTS PROVIDED IN PARAGRAPH (1) OF THIS
10 SUBSECTION DO NOT REQUIRE CONFIRMATION BY THE SENATE OF MARYLAND.

11 (3) EACH INDIVIDUAL COMMISSIONED OR APPOINTED AS AN OFFICER
12 OR WARRANT OFFICER SHALL BE ELIGIBLE FOR FEDERAL RECOGNITION IN THE
13 RANK APPOINTED.

14 (4) An officer of the National Guard shall take rank from the date that the
15 officer was commissioned and in the manner the United States Department of Defense
16 provides by regulation.

17 (B) (1) ON THE RECOMMENDATION OF THE ADJUTANT GENERAL, THE
18 GOVERNOR MAY GRANT TO AN OFFICER OF THE ORGANIZED MILITIA A BREVET
19 COMMISSION OF THE NEXT HIGHER GRADE THAN THE REGULAR COMMISSION HELD
20 BY THE OFFICER.

21 (2) THE GOVERNOR MAY GRANT A BREVET COMMISSION TO AN
22 OFFICER OF THE ORGANIZED MILITIA OF A GRADE EQUAL TO THE HIGHEST GRADE
23 IN WHICH THE OFFICER PREVIOUSLY SERVED IN THE ORGANIZED MILITIA OR IN THE
24 UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE, OR COAST GUARD.

25 (3) A BREVET COMMISSION CARRIES ONLY THE RIGHTS OR
26 PRIVILEGES THAT ARE ALLOWED IN LIKE CASES IN THE MILITARY SERVICE OF THE
27 UNITED STATES.

28 (C) A COMMISSION OF AN OFFICER IN THE NATIONAL GUARD MAY BE
29 VACATED OR REVOKED:

30 (1) ON RESIGNATION;

31 (2) THROUGH ABSENCE WITHOUT LEAVE FOR 3 MONTHS;

32 (3) ON RECOMMENDATION OF A BOARD OF OFFICERS;

1 **(4) UNDER A SENTENCE OF A COURT-MARTIAL; OR**

2 **(5) ON CONVICTION OF A CRIME PUNISHABLE BY INCARCERATION**
3 **FOR 1 YEAR OR MORE IN ANY STATE OR FEDERAL COURT.**

4 **(D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**
5 **COMMISSIONED OFFICER OF THE ORGANIZED MILITIA TENDERING A RESIGNATION**
6 **SHALL RECEIVE AN HONORABLE DISCHARGE IF:**

7 **(1) THE GOVERNOR ACCEPTS THE RESIGNATION;**

8 **(2) THE OFFICER IS NOT UNDER ARREST OR RETURNED TO A**
9 **MILITARY COURT FOR A DEFICIENCY OR DELINQUENCY;**

10 **(3) THE OFFICER IS NOT INDEBTED TO THE STATE; AND**

11 **(4) THE ACCOUNTS OF THE OFFICER FOR MONEY OR PUBLIC**
12 **PROPERTY ARE CORRECT.**

13 **(E) (1) IF THE GOVERNOR ACCEPTS THE RESIGNATION OF AN OFFICER**
14 **WHO, AT THE TIME OF THE RESIGNATION, IS UNDER ARREST, UNDER CHARGES, OR**
15 **RETURNED TO A MILITARY COURT FOR AN OFFENSE, A DEFICIENCY, OR A**
16 **DELINQUENCY, THE OFFICER SHALL:**

17 **(I) CEASE TO BE AN OFFICER; AND**

18 **(II) RECEIVE A DISCHARGE IN A FORM THAT THE GOVERNOR**
19 **DIRECTS.**

20 **(2) AN OFFICER WHO RESIGNS UNDER PARAGRAPH (1) OF THIS**
21 **SUBSECTION IS NOT ELIGIBLE TO RECEIVE A COMMISSION UNLESS THE OFFICER:**

22 **(I) REENLISTS; AND**

23 **(II) PERFORMS AT LEAST 100% OF DUTY IN EACH YEAR OF THE**
24 **REENLISTMENT FOR 2 SUCCESSIVE YEARS.**

25 13-501.

26 **(a) (1) There is established in the State a Maryland Defense Force within the**
27 **Military Department.**

28 **(2) The Governor is the commander-in-chief of the Maryland Defense**
29 **Force.**

1 (3) The Maryland Defense Force is under the [operational control]
2 **COMMAND** of the Adjutant General.

3 (4) There is a commanding general of the Maryland Defense Force who is
4 appointed by the Adjutant General and serves as such at the pleasure of the Adjutant
5 General.

6 (b) The Maryland Defense Force is a component of the [organized] militia of the
7 State in addition to and separate from the National Guard.

8 (c) The Maryland Defense Force shall have the primary mission of providing
9 competent and supplemental professional, technical, and military support to the Maryland
10 Army National Guard, the Maryland Air National Guard, and the Maryland Emergency
11 Management Agency. The Maryland Defense Force shall also have other duties and
12 missions as it may be assigned from time to time by [competent authority] **THE ADJUTANT**
13 **GENERAL**.

14 13-502.

15 (a) (1) The [Governor] **ADJUTANT GENERAL** may adopt regulations to carry
16 out this title governing the enlistment, organization, administration, equipment,
17 maintenance, training, and discipline of the Maryland Defense Force.

18 (2) The [Governor] **ADJUTANT GENERAL** may prescribe a uniform for the
19 Maryland Defense Force.

20 (b) As is practicable and desirable, regulations adopted under this section shall
21 conform to applicable law and regulations that govern the National Guard, except those
22 laws and regulations that apply to the National Guard when acting solely under Title 10 of
23 the United States Code.

24 (c) (1) The regulations shall prohibit the Maryland Defense Force or a member
25 of the Maryland Defense Force from accepting gifts, donations, gratuities, or anything of
26 value from a person in exchange for specific and isolated services rendered by the Maryland
27 Defense Force.

28 (2) This provision may not be interpreted otherwise to prohibit gifts,
29 bequests, and the like from any individual or organization to the Maryland Defense Force
30 or any foundation or the like established to support its activities.

31 13-503.

32 (a) The Maryland Defense Force consists of[:

33 (1) commissioned or assigned officers; and

1 (2)] qualified individuals who volunteer to serve [and are commissioned,
2 appointed, or enlisted] in the Maryland Defense Force.

3 (b) An individual may not [be commissioned or enlisted] **SERVE** in the Maryland
4 Defense Force if the individual:

5 (1) is not a citizen of the United States;

6 (2) has been dismissed from or received a bad conduct discharge or a
7 dishonorable discharge, or any discharge other than under honorable conditions, from a
8 military or naval organization of this State or of another state, or from any of the United
9 States armed forces or its auxiliaries, or has been convicted of an offense under the laws of
10 the United States or of any state punishable by imprisonment for more than 1 year, no
11 matter what punishment was actually imposed; or

12 (3) does not meet the qualifications for [commissioning, appointment, or
13 enlistment] **SERVICE** specified in regulations governing the Maryland Defense Force.

14 (c) A civil organization, society, club, post, order, fraternity, association,
15 brotherhood, body, union, league, or other combination of persons or civil groups may not
16 [enlist] **SERVE** in the Maryland Defense Force as an organization or unit.

17 (d) (1) All members of the Maryland Defense Force serve on a voluntary basis
18 and without pay, unless under orders, approved by the Adjutant General, specifying that
19 their service is with pay.

20 (2) If an order approved by the Adjutant General specifies that the service
21 of a member of the Maryland Defense Force is with pay, the member may be compensated
22 in accordance with § 13–406 of this title.

23 13–504.

24 (a) [An officer or warrant officer commissioned or appointed in the Maryland
25 Defense Force shall take the oath prescribed in § 13–509 of this subtitle.

26 (b)] **(1)** An individual who [enlists] **SERVES** in the Maryland Defense Force
27 shall take [an oath substantially in the form required for enlisted personnel of the National
28 Guard, substituting “Maryland Defense Force” where necessary in the oath] **AND**
29 **SUBSCRIBE TO THE FOLLOWING OATH OF SERVICE:**

30 **“I DO HEREBY ACKNOWLEDGE MY VOLUNTARY SERVICE THIS DAY OF**
31 **....., 20, TO THE STATE OF MARYLAND, UNDER THE CONDITIONS PRESCRIBED**
32 **BY LAW, UNLESS SOONER DISCHARGED BY PROPER AUTHORITY. I,, DO**
33 **SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE**
34 **TO THE UNITED STATES OF AMERICA AND TO THE STATE OF MARYLAND; THAT I**

1 WILL SERVE THEM HONESTLY AND FAITHFULLY AGAINST ALL THEIR ENEMIES
2 WHOMSOEVER; AND THAT I WILL OBEY THE ORDERS OF THE PRESIDENT OF THE
3 UNITED STATES AND THE GOVERNOR OF MARYLAND AND THE ORDERS OF THE
4 OFFICERS APPOINTED OVER ME, ACCORDING TO LAW AND REGULATIONS.”

5 (2) THE COMMANDING GENERAL OF THE MARYLAND DEFENSE
6 FORCE OR THE COMMANDING GENERAL’S DESIGNEE MAY ADMINISTER AN OATH
7 PROVIDED IN THIS SUBSECTION.

8 [(c)] (B) [(1) Except as provided in paragraph (2) of this subsection, the
9 enlistment] THE SERVICE period in the Maryland Defense Force is determined by the
10 commanding officer based on the specialty of the recruit and the needs of the militia and
11 may be renewed.

12 [(2) In the case that a state of war exists between the United States and any
13 other nation, or that there is a federal or State declaration of emergency presently in force
14 in the State, all enlistments shall continue until 3 months after said state of war or
15 emergency ends, unless the enlisted individual is discharged sooner by proper authority.]

16 [(d)] (C) (1) ALL MEMBERS OF THE MARYLAND DEFENSE FORCE SERVE
17 ~~AT WILL~~ VOLUNTARILY AND MAY BE DISMISSED WITH ~~OR WITHOUT~~ CAUSE AT ANY
18 TIME.

19 (2) The Governor OR COMMANDING GENERAL may accept the
20 resignation of an officer or grant a discharge to an enlisted individual at any time.

21 (3) ON A REQUEST FOR RESIGNATION OR RETIREMENT, A MEMBER IS
22 RELEASED FROM HIS OR HER VOLUNTARY SERVICE.

23 (D) (1) THE REGULATIONS SHALL PROHIBIT THE MARYLAND DEFENSE
24 FORCE OR A MEMBER OF THE MARYLAND DEFENSE FORCE FROM ACCEPTING
25 GIFTS, DONATIONS, GRATUITIES, OR ANYTHING OF VALUE FROM A PERSON IN
26 EXCHANGE FOR A SERVICE RENDERED BY THE MARYLAND DEFENSE FORCE.

27 (2) THIS SUBSECTION DOES NOT PROHIBIT GIFTS, DONATIONS,
28 BEQUESTS, OR TRANSFERS FROM ANY INDIVIDUAL OR ORGANIZATION TO THE
29 MARYLAND DEFENSE FORCE OR ANY FOUNDATION ESTABLISHED TO SUPPORT THE
30 ACTIVITIES OF THE MARYLAND DEFENSE FORCE.

31 13-506.

32 (a) [(1)] Except as provided in [subsections] SUBSECTION (b) [and (c)] of this
33 section, the Maryland Defense Force may not be required to serve outside the State.

1 [(2) This section does not apply to any instance in which the Maryland
2 Defense Force as part of the organized militia of the State is ordered into service of the
3 United States by the President pursuant to the Constitution and laws of the United States.]

4 (b) (1) On request of the governor of another state, the Governor of this State
5 may **DIRECT THE ADJUTANT GENERAL TO** order the Maryland Defense Force to serve
6 outside the State, **WITHIN SIMILAR PARAMETERS AS IT WOULD RENDER SUPPORT**
7 **WITHIN THE STATE**, to assist the military or other public safety forces of the requesting
8 state.

9 (2) The Governor of this State may recall the Maryland Defense Force from
10 the other state.

11 [(c) If fresh pursuit is authorized by law of another state, any organization, unit,
12 or detachment of the Maryland Defense Force, on the order of the commanding officer of
13 the organization, unit, or detachment, may continue in fresh pursuit of insurrectionists,
14 saboteurs, or enemies outside of this State into the other state until:

15 (1) the insurrectionists, saboteurs, or enemies are apprehended; or

16 (2) the military or law enforcement forces of the other state or forces of the
17 United States have had a reasonable opportunity to pursue or apprehend the
18 insurrectionists, saboteurs, or enemies.

19 (d) (1) An organization, unit, or detachment of the Maryland Defense Force
20 shall surrender without unnecessary delay an individual apprehended in another state to
21 the military or law enforcement force of:

22 (i) the state of apprehension; or

23 (ii) the United States.

24 (2) The surrender of an individual apprehended under paragraph (1) of this
25 subsection to the military or law enforcement forces of another state is not a waiver by this
26 State of the right to extradite or prosecute the individual for a crime committed in this
27 State.]

28 13-706.

29 (a) An officer or employee of the State, a county, or other political subdivision of
30 the State who is a member of the organized militia is entitled to a leave of absence from
31 duties, without loss of pay, time, or efficiency rating:

32 (1) on each day engaged in [field or coast defense or other] training **OR**
33 **DUTY** ordered or authorized under this title; or

1 (2) under any law of the United States while on inactive duty training, not
2 to exceed 15 days annually.

3 (b) In addition to the 15–day period specified in subsection (a) of this section, a
4 member of the organized militia who is ordered to State active duty under authority of the
5 Governor is entitled to leave of absence without loss of pay, time, or efficiency rating while
6 actually serving under the State active duty orders.

7 13–902.

8 (a) This section does not apply to a member of the United States Army, Navy, Air
9 Force, Marines, or Coast Guard, the organized militia of this State or another state, [an
10 officer] **A MEMBER** of the Maryland Defense Force, or a member of associations wholly
11 composed of soldiers honorably discharged from the armed forces of the United States.

12 (b) A person may not:

13 (1) hide, sell, dispose of, offer for sale, purchase, retain after a demand by
14 a commissioned officer of the organized militia, or pledge any arms, uniforms, equipment,
15 or other military property issued under this title; or

16 (2) wear any of the following articles or objects prescribed by law for the
17 use of the organized militia:

18 (i) a uniform;

19 (ii) a device, strap, knot, or insignia of any design or character that
20 is used as a designation of grade, rank, or office; or

21 (iii) an article or object similar to an article or object described in item
22 (i) or (ii) of this item.

23 (c) (1) A person who violates this section is guilty of a misdemeanor and on
24 conviction is subject to a fine of not less than \$20 and not exceeding \$50 for each offense.

25 (2) (i) A fine imposed under paragraph (1) of this subsection shall be
26 paid to the Adjutant General.

27 (ii) The Adjutant General shall apply a fine paid under this
28 paragraph to the use of the organized militia.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2017.