

SENATE BILL 191

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P3

2003 Regular Session
3lr0107

By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Military)**

Introduced and read first time: January 27, 2003

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Military Justice - Maryland National Guard**

3 FOR the purpose of authorizing a military judge or summary court officer to issue a
4 warrant for the apprehension of certain Maryland National Guard members
5 under certain circumstances; requiring a peace officer or a member of the
6 National Guard to execute the warrant under certain circumstances; requiring
7 certain members of the National Guard to be delivered to the custody of certain
8 authorities under certain circumstances; and generally relating to the issuance
9 and execution of warrants for members of the Maryland National Guard.

10 BY renumbering

11 Article - Public Safety

12 Section 13-805 through 13-814, respectively

13 to be Section 13-806 through 13-815, respectively

14 Annotated Code of Maryland

15 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
16 2003)

17 BY adding to

18 Article - Public Safety

19 Section 13-805

20 Annotated Code of Maryland

21 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
22 2003)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That Section(s) 13-805 through 13-814, respectively, of Article - Public

25 Safety of the Annotated Code of Maryland (as enacted by Chapter _____ (S.B. 1) of the

26 Acts of the General Assembly of 2003) be renumbered to be Section(s) 13-806 through

27 13-815, respectively.

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

3 **Article - Public Safety**

4 13-805.

5 (A) A MILITARY JUDGE OR A SUMMARY COURT OFFICER MAY ISSUE A
6 WARRANT TO TAKE A PERSON INTO CUSTODY ON A SHOWING OF PROBABLE CAUSE
7 THAT THE PERSON:

8 (1) IS A MEMBER OF THE NATIONAL GUARD; AND

9 (2) HAS COMMITTED AN OFFENSE UNDER THIS TITLE.

10 (B) A PEACE OFFICER OR MEMBER OF THE NATIONAL GUARD SHALL EXECUTE
11 A WARRANT ISSUED UNDER THIS SECTION IN THE SAME MANNER AS AN ARREST
12 WARRANT ISSUED BY A CRIMINAL COURT OF THE STATE.

13 (C) WHEN A PERSON IS TAKEN INTO CUSTODY UNDER THIS SECTION, THE
14 PERSON SHALL BE DELIVERED PROMPTLY TO THE CUSTODY OF THE MARYLAND
15 NATIONAL GUARD FOR TRIAL BY COURT-MARTIAL OR OTHER APPROPRIATE
16 DISPOSITION OF THE CHARGES.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 2003.