

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 707

(Senator Jackson, *et al.*)

Education, Energy, and the Environment

Health and Government Operations

Armed Forces – Support of Military Families and Addition of Space Force

This bill adds members of the U.S. Space Force to several provisions of State law that refer to members of the U.S. Armed Forces. The bill also expands existing statutory provisions to authorize military spouses and residents of the State who are members of the National Guard of another state or a part of a reserve component of the U.S. Armed Forces to terminate or suspend certain consumer-related contracts when called into military service. Finally, the bill authorizes the Governor to award a Maryland Defense Force commission, appointment, or promotion posthumously.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law:

Use of a Deceased Soldier's Identity

Current law generally prohibits a person from knowingly using the name or image of a soldier killed in the line of duty within the previous 50 years in advertising for the sale of products or services for the purpose of gaining a commercial advantage, without obtaining

prior consent for the use from the soldier or the surviving spouse or other specified related individuals.

Under current law, “soldier” means (1) an active duty member of the U.S. Armed Forces, including the Army, Marine Corps, Navy, Air Force, Coast Guard, National Guard, Reserve forces, and any other standard U.S. military agency. Under the bill, the definition of “soldier” is expanded to include members of the Space Force.

Purple Star Schools Program

Under current law, the Purple Star Schools Program, administered by the Maryland State Department of Education, recognizes public schools that provide strong services and support for “military-connected students” and their families when students transfer schools as a result of a parent or guardian’s military service. Under current law, “military-connected student” means a student who is a dependent of (1) a current member of the U.S. military serving in the Army, Navy, Air Force, Marine Corps, or Coast Guard on active duty; (2) the Maryland National Guard; or (3) a reserve force of the U.S. military. “Military-connected student” also means a student who is a dependent of a member of a military or reserve force listed above who was killed in the line of duty. Under the bill, “military-connected student” is expanded to include a current member of the Space Force or the National Guard of any other state.

Custody or Visitation Order Based on Deployment of a Parent

Under current law, any order or modification of an existing child custody or visitation order issued by a court during a term of a deployment of a parent must specifically reference the deployment of the parent. A parent who petitions the court for an order or modification of an existing child custody or visitation order after returning from a deployment must specifically reference the date of the end of the deployment in the petition. If the petition is filed within 30 days after the end of the deployment of the parent, the court must set a hearing on the petition on an expedited basis. On a finding that extenuating circumstances prohibited the filing of the petition within 30 days, the court may set a hearing on the petition on an expedited basis whenever the petition is filed. Any custody or visitation order issued based on the deployment of a parent must require that (1) the other parent reasonably accommodate the leave schedule of the parent who is subject to the deployment; (2) the other parent facilitate opportunities for telephone and electronic mail contact between the parent who is subject to the deployment and the child during the time of deployment; and (3) the parent who is subject to the deployment provide timely information regarding the parent’s leave schedule to the other parent.

Under current law, “deployment” means compliance with military orders received by a member of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard,

or any other reserve component to report for combat operations or other active service, as specified. Under the bill, “deployment” is expanded to include military orders received by a member of the Space Force.

Maryland Defense Force – Appointments and Commissions

Under current law, the Governor must appoint and commission each commissioned officer or appoint each warrant officer of the organized militia on recommendation of the Adjutant General. Commissioned or appointed officers and warrant officers must meet specified qualifications. The appointments do not require confirmation by the Senate of Maryland. The bill incorporates the Space Force into provisions concerning appointments and commissions that refer to other branches of the armed forces. The bill also authorizes the Governor to award a Maryland Defense Force commission, appointment, or promotion posthumously.

Under current law, when initially appointed, a general officer or colonel of the organized militia must, among other things, have served in any component or auxiliary of the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, or National Guard with the grade of O-4 or higher. When initially appointed, a lieutenant-colonel or major of the line must have had service as an officer for at least two years in any component or auxiliary of the U.S. military, as specified. In addition, the Governor may grant a brevet commission to an officer of the organized militia of a grade equal to the highest grade in which the officer previously served in the organized militia or in the U.S. Army, Navy, Marine Corps, Air Force, or Coast Guard. Under the bill, service in the Space Force may also be considered for a commission or appointment within the organized militia, as specified.

Civil Relief for Military Service Members

In addition to the rights and protections regarding consumer transactions, contracts, and service providers included in specified provisions of the federal Service Members Civil Relief Act, current law generally authorizes a service member to terminate or suspend a contract for (1) telecommunication services; (2) Internet services; (3) television services; (4) athletic club or gym memberships; and (5) satellite radio services. This may be done at any time after the date the service member receives military orders to relocate for a period of “military service” of at least 90 days to a location where the service member would be unable to use the services under the contract. Specified procedures apply to this process. A service member who terminates, suspends, or reinstates a consumer contract for the services (1) may not be charged a penalty, fee, loss of deposit, or any other additional cost and (2) is not liable for payment for any services after the effective date of the termination or suspension, until the effective date of any reinstatement of services.

Under current law, only a service member may terminate, suspend, or reinstate a consumer contract, as specified. Under the bill, “military service” is expanded to include a member of the Space Force and a resident of the State who is a member or reserve member of the National Guard of another state or a reserve component of the U.S. Armed Forces. The bill also authorizes a military spouse to terminate, suspend, or reinstate a consumer contract, as specified.

Unlawful Wearing of Uniform

With specified exceptions, current law prohibits the unauthorized wearing of a uniform or distinctive part of a uniform or an item similar to a uniform or a distinctive part of a uniform of (1) the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard; (2) the National Guard of this State, another state, or the United States; (3) the Maryland Defense Force; or (4) an auxiliary of any of those military units. Violations are subject to criminal penalties. The bill expands this prohibition to include uniforms of the Space Force.

Improper Use of Military Property – Generally

Under current law, a person may not (1) hide, sell, dispose of, offer for sale, purchase, retain after a demand by a commissioned officer of the organized militia, or pledge any arms, uniforms, equipment, or other military property issued under statute or (2) wear any specified articles or objects prescribed by law for the use of the organized militia. Under current law, this prohibition *does not apply* to a member of the U.S. Army, Navy, Air Force, Marines, or Coast Guard, the organized militia of this State or another state, an officer of the Maryland Defense Force, or a member of associations wholly composed of soldiers honorably discharged from the U.S. Armed Forces. Violations are subject to criminal penalties. Under the bill, this exception is expanded to include the Space Force.

Exclusion from Places of Amusement or Recreation

Under current law, a person who is the owner or who is an agent of the owner of a place of amusement or recreation open to the public may not refuse admission to an officer or enlisted individual of the U.S. Army, Navy, Marine Corps, Coast Guard, or Air Force or the organized militia of this State or of another state because the officer or enlisted individual is in uniform. A person who violates this prohibition is guilty of a misdemeanor punishable by imprisonment for up to six months and/or a maximum fine of \$500. The bill expands this prohibition to include the Space Force.

Maryland Code of Military Justice

Generally, the Maryland Code of Military Justice applies to all members of the State military forces at all times and provides a comprehensive system of military justice in State statute.

Under current law, “judge advocate” means, among other things, a commissioned officer of the organized State military forces who is a member in good standing of the bar of the highest court of a state certified or designated as a judge advocate in the Judge Advocate General’s Corps of the Army, Air Force, Navy, or the Marine Corps or designated as a law specialist as an officer of the Coast Guard, or a reserve component of one of these. Under the bill, “judge advocate” also includes being certified or designated as a judge advocate in the Judge Advocate General’s Corps of the Space Force.

Under current law, in the instance when a defense counsel is not a member of the bar of the highest court of the state, the defense counsel must be deemed admitted *pro hac vice*, subject to filing a certificate with the military judge setting forth the qualifications that counsel is (1) a commissioned officer of the U.S. Armed Forces or a component thereof; (2) a member in good standing of the bar of the highest court of a state; and (3) certified as a judge advocate in the Judge Advocate General’s Corps of the Army, Air Force, Navy, or Marine Corps. The bill expands this provision to include a certified or designated judge advocate in the Judge Advocate General’s Corps of the Space Force.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1026 (Delegate Patterson, *et al.*) - Health and Government Operations.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Military Department; Public Service Commission; *Air Force Times*; Department of Legislative Services

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