HOUSE BILL 548

E4, P1 HB 299/24 – HGO

By: Delegates Grammer, Arentz, Arikan, Beauchamp, Bouchat, Buckel, Chisholm, Fisher, Ghrist, Hartman, Hutchinson, McComas, Metzgar, M. Morgan, Schmidt, Valentine, and Wivell

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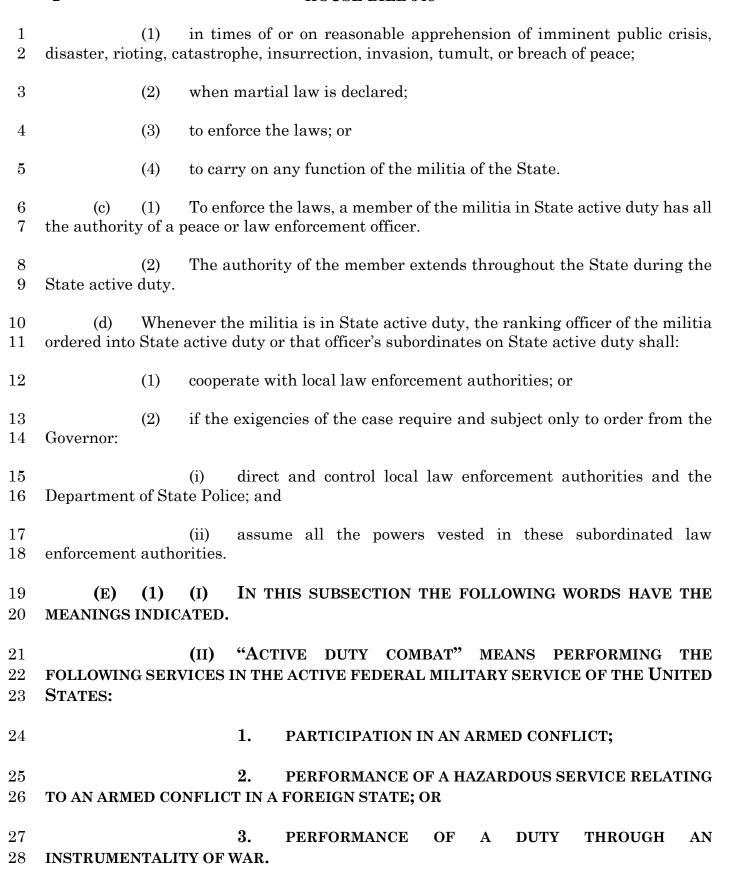
A BILL ENTITLED

1	AN ACT concerning
2 3	Public Safety – Militia – Active Duty Combat (Defend the Guard)
4 5 6 7 8 9	FOR the purpose of prohibiting the Governor from ordering the militia or a member of the militia into active duty combat unless the U.S. Congress has passed an official declaration of war or taken a certain official action; establishing that this prohibition does not limit or prohibit the Governor from deploying the militia or a member of the militia under certain circumstances; and generally relating to ordering the militia into active duty combat.
10 11 12 13 14	BY repealing and reenacting, with amendments, Article – Public Safety Section 13–702 Annotated Code of Maryland (2022 Replacement Volume and 2024 Supplement)
15 16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND That the Laws of Maryland read as follows:
17	Article - Public Safety
18	13–702.
19	(a) This section applies to the Maryland Defense Force and the National Guard.
20 21	(b) [The] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE Governor may order the militia into State active duty:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





- 1 (III) "OFFICIAL DECLARATION OF WAR" MEANS AN OFFICIAL DECLARATION OF WAR MADE BY THE U.S. CONGRESS UNDER ARTICLE I, § 8, 3 CLAUSE 11 OF THE U.S. CONSTITUTION.
- 4 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR MAY NOT ORDER THE MILITIA OR ANY MEMBER OF THE MILITIA INTO ACTIVE DUTY COMBAT UNLESS THE U.S. CONGRESS HAS PASSED AN OFFICIAL DECLARATION OF WAR OR HAS TAKEN AN OFFICIAL ACTION UNDER ARTICLE I, § 8, 8 CLAUSE 15 OF THE U.S. CONSTITUTION TO EXPLICITLY CALL FORTH THE STATE MILITIA OR ANY MEMBER OF THE STATE MILITIA TO EXECUTE THE LAWS OF THE UNITED STATES, REPEL AN INVASION, OR SUPPRESS AN INSURRECTION.
- 11 (3) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT OR
 12 PROHIBIT THE GOVERNOR FROM DEPLOYING THE MILITIA OR A MEMBER OF THE
 13 MILITIA UNDER U.S.C. TITLE 32, DEFENSE SUPPORT OF CIVIL AUTHORITIES,
 14 WITHIN THE UNITED STATES AND U.S. TERRITORIES.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 16 October 1, 2025.