

Chapter 254

(House Bill 448)

AN ACT concerning

Modernization of Military Laws Act

FOR the purpose of establishing rules of interpretation related to the uniformed services; altering the rule of interpretation for “veteran”; requiring the Secretary of Veterans and Military Families to develop certain policies related to life transitions of veterans, service members, and military families; altering the application of certain provisions of law governing the filing of certificates of candidacy, the powers of the Governor, State veterans’ cemeteries, and housing and employment discrimination as they relate to veterans and the uniformed services; and generally relating to veterans and the uniformed services.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 1–101(a)
Annotated Code of Maryland
(2022 Replacement Volume and 2024 Supplement)

BY adding to
Article – Election Law
Section 1–101(b–1) and (tt–1)
Annotated Code of Maryland
(2022 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 1–101(b–1) and (b–2), 3–202.1(a), and 5–304(b)
Annotated Code of Maryland
(2022 Replacement Volume and 2024 Supplement)

BY adding to
Article – General Provisions
Section 1–101.1, 1–101.2, 1–103.1, 1–114.1, 1–114.2, and 1–116
Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 1–117
Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 18–111

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–104(d), 3–303(a), 9–901, 9–902, ~~9–906(a)(5) and (f)~~, 9–906, 9–907, 9–910(b), 9–911(a), 9–946(6) through (8), 9–957(a)(2), and 20–101(f)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9–906(a)(1), 9–957(a)(1), and 20–101(a)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

BY adding to

Article – State Government

Section 9–946(9)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Election Law

1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(B–1) “ACTIVE DUTY” HAS THE MEANING STATED IN § 9–901 OF THE STATE GOVERNMENT ARTICLE.

[(b–1)] (B–2) “Address confidentiality program” means the Address Confidentiality Program administered by the Secretary of State under Title 7, Subtitle 3 of the State Government Article.

[(b–2)] (B–3) “Administrative policy affecting voting rights” means any action relating to voter registration, provisional voting, absentee voting, or the location of a polling place or early voting center.

(TT-1) “UNIFORMED SERVICES” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

3-202.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Common access card” means the identification card issued by the U.S. Department of Defense to active-duty [military personnel] **MEMBERS OF THE UNIFORMED SERVICES**, eligible [reserve personnel] **MEMBERS OF A RESERVE COMPONENT**, Department of Defense civilian employees, and eligible Department of Defense contractor personnel.

(3) “Federal post card application” means the form prescribed under 52 U.S.C. § 20301(b)(2) that may be used by absent uniformed services voters and overseas voters to simultaneously apply to register to vote and apply for an absentee ballot.

(4) “RESERVE COMPONENT” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

~~**(5) “UNIFORMED SERVICES” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.**~~

5-304.

(b) A certificate of candidacy may be filed as permitted under subsection (a)(1)(ii) of this section, if:

(1) the individual filing the certificate is unable to do so in person because of illness, [military] service **IN THE UNIFORMED SERVICES**, or temporary absence from the State; and

(2) the certificate is accompanied by an affidavit signed by the individual filing the certificate setting forth fully the facts that prevent that individual from filing the certificate in person.

Article – General Provisions

1-101.1.

“ACTIVE DUTY” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

1-101.2.

“ACTIVE SERVICE MEMBER” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

1-103.1.

“ARMED FORCES” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

1-114.1.

“RESERVE COMPONENT” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

1-114.2.

“SERVICE MEMBER” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

1-116.

“UNIFORMED SERVICES” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

1-117.

(A) “VETERAN” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

(B) With respect to any State program of benefits, rights, or privileges applicable to a veteran under this Code, “veteran” includes ~~if the individual is eligible under 38 U.S.C. § 101, a member of the commissioned corps of:~~

(1) the Public Health Service; or

(2) the National Oceanic and Atmospheric Administration or its predecessor, the Coast and Geodetic Survey] ~~AN INDIVIDUAL WHO MEETS THE DEFINITION OF “VETERAN” UNDER § 9-901 OF THE STATE GOVERNMENT ARTICLE.~~

Article – Public Utilities

18-111.

(a) **(1)** In this section, ~~“eligible veteran” means~~ **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “ELIGIBLE VETERAN” MEANS a veteran of any branch of the ~~armed forces of the United States~~ **UNIFORMED SERVICES** who has received an honorable discharge or a certificate of satisfactory completion of ~~military~~ service, including:

~~(1) the National Guard;~~

~~(2) the military reserves;~~

~~(3)~~ **(I) A RESERVE COMPONENT;**

(II) the Commissioned Corps of the Public Health Service; and

~~(4)~~ **(III)** the Commissioned Corps of the National Oceanic and Atmospheric Administration] ~~“VETERAN” HAS.~~

(3) “RESERVE COMPONENT” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

(4) “VETERAN” HAS THE MEANING STATED IN § 9-901 OF THE STATE GOVERNMENT ARTICLE.

(b) The Commission may grant a preference in hiring and promotion to:

(1) ~~an eligible~~ **A** veteran;

(2) the spouse of ~~an eligible~~ **A** veteran who has a service-connected disability; or

(3) the surviving spouse of a deceased ~~eligible~~ veteran.

(c) Granting a preference under subsection (b) of this section does not violate any State or local equal employment opportunity law.

Article – State Government

2-104.

(d) Any full-time permanent employee of the General Assembly of Maryland or the Department of Legislative Services who separates from State service and returns to State service in the Executive or Judicial Branch within 3 years from the time of separation from active duty, **AS DEFINED IN § 9-901 OF THIS ARTICLE**, shall be eligible for reinstatement and shall receive full credit for any prior State service.

3-303.

(a) The Governor is the commander-in-chief of the land and naval militia of the State, except for any part of the militia that is in the active [military] service of the [United States] **UNIFORMED SERVICES**.

9–901.

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

(B) “ACTIVE DUTY” HAS THE MEANING STATED IN 37 U.S.C. § 101.

(C) “ACTIVE SERVICE MEMBER” MEANS AN INDIVIDUAL WHO IS:

(1) AN ACTIVE DUTY MEMBER OF THE UNIFORMED SERVICES; OR

(2) SERVING IN A RESERVE COMPONENT OF THE UNIFORMED SERVICES ON ACTIVE DUTY ORDERS.

(D) “ARMED FORCES” HAS THE MEANING STATED IN 10 U.S.C. § 101.

[(b)] (E) “Board” means the Board of Trustees of the Maryland Veterans Trust.

[(c)] (F) “Department” means the Department of Veterans and Military Families.

(G) “MILITARY FAMILY” INCLUDES THE SPOUSE AND DEPENDENT CHILDREN OF A SERVICE MEMBER OR VETERAN RELATED BY BLOOD, MARRIAGE, OR ADOPTION.

(H) “RESERVE COMPONENT” HAS THE MEANING STATED IN 37 U.S.C. § 101.

[(d)] (I) “Secretary” means the Secretary of Veterans and Military Families.

(J) “SERVICE MEMBER” MEANS AN INDIVIDUAL WHO IS A MEMBER OF:

(1) THE UNIFORMED SERVICES; OR

(2) A RESERVE COMPONENT OF THE UNIFORMED SERVICES.

[(e)] (K) “Trust” means the Maryland Veterans Trust.

(L) “UNIFORMED SERVICES” HAS THE MEANING STATED IN 37 U.S.C. § 101.

[(f)] (M) Except as otherwise provided [in this subtitle], “veteran” [means an individual who served on active duty in the armed forces of the United States, other than for training, and was discharged or released under conditions other than dishonorable] **HAS THE MEANING STATED IN 38 U.S.C. § 101.**

9-902.

(a) There is a Department of Veterans and Military Families, established as a principal department of the State government.

(b) The head of the Department is the Secretary of Veterans and Military Families who shall be:

(1) a veteran ~~who has an honorable discharge from active service with a uniformed service of the United States~~; and

(2) appointed by the Governor with the advice and consent of the Senate.

(c) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor. The Secretary shall advise the Governor on all matters assigned to the Department and is responsible for carrying out the Governor’s policies on these matters.

(2) The Secretary is responsible for:

(I) the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient operation of the Department; **AND**

(II) THE DEVELOPMENT OF COORDINATED POLICIES FOR LEADING VETERANS, SERVICE MEMBERS, AND THEIR FAMILIES THROUGH LIFE’S TRANSITIONS, INCLUDING ASSISTING IN SECURING BENEFITS EARNED THROUGH SERVICE IN THE UNIFORMED SERVICES AND RESERVE COMPONENTS.

(3) Subject to the provisions of this subtitle, the Secretary may establish, reorganize, or consolidate areas of responsibility in the Department as necessary to fulfill the duties assigned by the Secretary.

(4) The Secretary shall adopt regulations necessary to carry out the provisions of this subtitle.

(d) The Secretary is entitled to the salary provided in the State budget.

~~9-906.~~

~~(a) (1) In this section the following words have the meanings indicated.~~

~~(5) In this section and in § 9-907 of this subtitle, “veteran” means an individual who:~~

~~(i) served other than dishonorably on active duty in the [armed forces of the United States] **UNIFORMED SERVICES**; or~~

~~(ii) served other than dishonorably as a member of the State militia ordered into active service [of the United States] by order of the President and was killed in the line of duty.~~

~~(f) To qualify for a plot in a State veterans’ cemetery:~~

~~(1) the applicant must be a veteran who meets the requirements for burial at a national veterans’ cemetery or an eligible spouse or dependent of a veteran who meets the requirements of this subsection; and~~

~~(2) if a veteran, the veteran must also have been a resident of the State:~~

~~(i) when the veteran entered the [armed forces] **UNIFORMED SERVICES**;~~

~~(ii) when the veteran died; or~~

~~(iii) for 2 years, unless, for a reason that the Department finds compelling, the Department waives the time period.~~

9-906.

(a) (1) In this section the following words have the meanings indicated.

(2) IN THIS SECTION AND IN § 9-907 OF THIS SUBTITLE, “ELIGIBLE DECEDENT” MEANS:

(I) A VETERAN;

(II) A QUALIFIED RESERVE MEMBER; OR

(III) AN ELIGIBLE SPOUSE OR DEPENDENT.

(3) “Eligible dependent” means:

(i) a child who meets the requirements stated in 38 C.F.R. § 38.620(e); [or]

(ii) a parent who meets the requirements stated in 38 C.F.R. § 38.620(i); OR

(III) A PARENT OR CHILD RELATED BY BLOOD, MARRIAGE, OR ADOPTION OF A QUALIFIED RESERVE MEMBER.

[(3)] (4) “Eligible spouse” means:

(I) a spouse who meets the requirements stated in 38 C.F.R. § 38.620(e); OR

(II) A SPOUSE OF A QUALIFIED RESERVE MEMBER.

(5) “QUALIFIED RESERVE MEMBER” MEANS A RESERVE COMPONENT MEMBER WHO DOES NOT MEET THE REQUIREMENTS FOR BURIAL AT A NATIONAL VETERANS’ CEMETERY BUT SERVED OTHER THAN DISHONORABLY AND COMPLETED THE INDIVIDUAL’S CONTRACTUAL OBLIGATION OF SERVICE.

[(4)] (6) “State veterans’ cemetery” means a cemetery that the Department establishes under this section.

[(5)] In this section and in § 9–907 of this subtitle, “veteran” means an individual who:

(i) served other than dishonorably on active duty in the armed forces of the United States; or

(ii) served other than dishonorably as a member of the State militia ordered into active service of the United States by order of the President and was killed in the line of duty.

(6)] (7) “Washington Cemetery” means the Civil War cemetery grounds authorized by Chapter 213 of the Acts of the General Assembly of 1870.

(b) The Department may establish one or more cemeteries in the State for the burial of [veterans and their eligible spouse or dependents] ELIGIBLE DECEDENTS as authorized by the Secretary.

(c) The Department may accept land, on behalf of the State or a political subdivision of the State, or otherwise acquire land for a State veterans’ cemetery, if the Department has the approval of:

(1) the governing body of the county where the State veterans’ cemetery is to be located;

(2) the delegation in the General Assembly for the county where the State veterans' cemetery is to be located; and

(3) the Board of Public Works.

(d) (1) The Department shall maintain and supervise each State veterans' cemetery.

(2) The Washington Cemetery shall be under the supervision of the Department.

(e) The Department shall provide a plot in a State veterans' cemetery, without charge, to a veteran OR A VETERAN'S ELIGIBLE SPOUSE OR DEPENDENT who meets the requirements of this section.

(f) To qualify for a plot in a State veterans' cemetery:

(1) the [applicant] ELIGIBLE DECEDENT must be:

(I) a veteran who meets the requirements for burial at a national veterans' cemetery;

(II) A QUALIFIED RESERVE MEMBER; or

(III) an eligible spouse or dependent [of a veteran] who meets the requirements of this subsection; and

(2) if a [veteran, the veteran] QUALIFIED RESERVE MEMBER, THE QUALIFIED RESERVE MEMBER must also have been a resident of the State:

(i) when the [veteran] QUALIFIED RESERVE MEMBER entered the [armed forces] RESERVE COMPONENT;

(ii) when the [veteran] QUALIFIED RESERVE MEMBER died; or

(iii) for 2 years, unless, for a reason that the Department finds compelling, the Department waives the time period.

(g) To obtain a plot in a State veterans' cemetery, an applicant shall submit to the Department an application on the form that the Department provides.

(h) (1) In a plot that is allotted to a veteran OR A QUALIFIED RESERVE MEMBER, the Department shall bury:

(i) the veteran OR QUALIFIED RESERVE MEMBER; and

(ii) any member of the immediate family who is an eligible spouse or dependent [of the veteran] if the family member can be buried in a space above or below the veteran **OR QUALIFIED RESERVE MEMBER** or in the next available plot.

(2) With each plot, the Department shall provide a grave liner at no cost for the veteran or **THE VETERAN'S** eligible spouse or dependent.

(i) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Department [shall bury the] **MAY NOT CHARGE A** veteran or **A VETERAN'S** eligible spouse or dependent [without charge] **FOR BURIAL.**

(2) IF THE INDIVIDUAL BEING BURIED IS A QUALIFIED RESERVE MEMBER OR A QUALIFIED RESERVE MEMBER'S ELIGIBLE SPOUSE OR DEPENDENT, THE DEPARTMENT SHALL COLLECT AT THE TIME OF BURIAL A FEE THAT IS EQUAL TO THE ANNUAL PLOT ALLOWANCE ESTABLISHED BY THE NATIONAL CEMETERY ADMINISTRATION.

9-907.

The Department shall keep a registry of the graves of [veterans and family members of veterans] **ELIGIBLE DECEDENTS** who are buried in the State veterans' cemeteries.

9-910.

(b) (1) The Department may appoint a Director for the home and employ any other staff that is needed to manage the home properly.

(2) In appointing or employing staff, the Department shall give preference to a veteran ~~who~~ who has an honorable discharge from the ~~armed forces~~ **UNIFORMED SERVICES**.

(3) The Director shall:

- (i) serve at the pleasure of the Secretary; and
- (ii) perform any duty that the Department requires.

9-911.

(a) In accordance with the regulations of the Department and applicable law, the home shall be open:

- (1) to a veteran who~~f~~:

(i) has an honorable discharge from active service with a uniformed service of the United States; and

(ii) is a resident of the State as defined in regulations adopted by the Secretary; or

(2) to a spouse of an eligible veteran.

9–946.

The Secretary shall submit a report by December 31 of each year to the Governor and, in accordance with § 2–1257 of this article, the General Assembly, that includes:

(6) the estimated impact current [military] operations are likely to have on the needs of veterans in the future;

(7) the status of federal veterans programs as they relate to Maryland veterans; [and]

(8) any other issues concerning veterans that the Secretary considers appropriate; AND

(9) ANY OTHER ISSUES CONCERNING SERVICE MEMBERS, INCLUDING ISSUES UNIQUELY PERTAINING TO ACTIVE SERVICE MEMBERS THAT THE SECRETARY CONSIDERS APPROPRIATE.

9–957.

(a) (1) In this section the following words have the meanings indicated.

(2) “Eligible veteran” means [an individual who:

(i) served on active duty in:

1. the armed forces of the United States;

2. the National Guard; or

3. a reserve component of the armed forces of the United States;

(ii) served in a capacity other than for training;

(iii) was discharged or released under conditions other than dishonorable; and] **A VETERAN WHO:**

[(iv) 1.] (I) is a resident of the State; or

[2.] (II) receives treatment or care from a U.S. Department of Veterans Affairs or U.S. Department of Defense medical facility in the State.

20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(f) “Military status” means the status of being:

(1) a member of the uniformed services[, as defined in 10 U.S.C. § 101];

(2) a member of a reserve component of the [armed forces of the United States, as listed in 10 U.S.C. § 10101] **UNIFORMED SERVICES**; or

(3) a dependent, as defined in 50 U.S.C. § 3911(4).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, May 6, 2025.