

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 280

(Senator Simonaire, *et al.*)

Judicial Proceedings and Education, Energy,
and the Environment

Judiciary

Judicial and Public Safety for Service Members Act

This bill generally establishes uniform definitions related to the military in the Correctional Services, Courts and Judicial Proceedings, Criminal Law, Family Law, General Provisions, Public Safety, Real Property, and State Government Articles of the Maryland Code, primarily by reference to definitions in the U.S. Code. While numerous alterations within the bill represent only stylistic or technical changes, there are substantive changes. These changes *generally* make certain provisions – including those related to court record fees – more broadly applicable to additional service members.

Fiscal Summary

State Effect: Although it is assumed that the bill applies in a limited number of cases, updates are necessary to the licensing portal for the Department of State Police (DSP); thus, general fund expenditures increase by \$50,000 in FY 2026 only. State finances are not otherwise materially affected.

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

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The bill adds the definition of several military terms to the State Government Article (specifically, § 9-901). This includes the definition of “military family” as well as all terms found in **Exhibit 1** below. “Military family” includes the spouse and dependent children of a service member or veteran related by blood, marriage, or adoption.

Exhibit 1
Repeated Military Definitions Added to State Government § 9-901

<u>Term</u>	<u>U.S. Code Reference</u>	<u>Definition</u>
Active duty	37 U.S.C. § 101	Full-time duty in the active service of a uniformed service, including full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or the relevant Secretary
Active service member	n/a	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
Armed forces	10 U.S.C. § 101	Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard
Reserve component	37 U.S.C. § 101	The Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service
Service member	n/a	An individual who is a member of (1) the uniformed services or (2) a reserve component of the uniformed services
Uniformed services	37 U.S.C. § 101	Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service
Veteran	38 U.S.C. § 101	A person who served in the active military, naval, air, or space service, and who was discharged or released under nondishonorable conditions

n/a: not applicable

Source: Department of Legislative Services

In General

Numerous statutory provisions in the Articles referenced above explicitly extend applicability to individuals who meet certain requirements, generally related to military service. The bill generally expands certain provisions to apply more broadly, some of which are further described below.

Correctional Services

Under current law, the Secretary of Public Safety and Correctional Services must adopt regulations requiring that a correctional officer hired by the Division of Correction within the Department of Public Safety and Correctional Services on or after October 1, 2007, be at least age 21. In addition, the Secretary must adopt regulations requiring that a correctional officer hired by the Division of Pretrial Detention and Services or the Patuxent Institution on or after October 1, 2008, be at least age 21. In both cases, the regulations must exempt any honorably discharged veteran or reserve member of the United States *armed forces* from the minimum age requirement. The bill expands the exemption to apply more broadly to an honorably discharged reserve component member of the *uniformed services*, defined as specified above.

Courts and Judicial Proceedings

Fees for Court Records: Under current law and subject to additional limitations, a clerk of court must provide without charge (1) a copy of any paper or record in the clerk's office that is requested by a former or active member of the *armed forces*, in person, or by the U.S. government; (2) a copy of a marriage record of a former or active member of the *armed forces* that is requested by the member; and (3) a copy of a marriage record of a former or active member of the *armed forces* or of a surviving spouse or child of the member. The bill substitutes the term “*service member*,” thereby extending this benefit to (1) former and active members of the Public Health Service (PHS) or the National Oceanic and Atmospheric Administration (NOAA) and (2) former and active members of the reserve components of the uniformed services, defined as specified above, which also includes members of the reserve corps of PHS.

Jury Service: Under current law, active-duty members of the *armed forces* and members of the State's organized militia who meet certain qualifications under federal and State law are exempt from jury duty. The bill definitively incorporates active-duty members of the commissioned corps of NOAA.

Criminal Law

Certain provisions within the Criminal Law Article that prohibit wearing, carrying, or transporting a firearm in specified areas are not applicable to a member of the armed forces
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of the United States, the National Guard, or the uniformed services on duty or traveling to or from duty. The bill alters this reference to apply the exemption broadly to a *service member*, thereby definitively incorporating members of all *reserve components*, as defined above.

In regard to provisions relating to prohibitions against identity fraud, the bill updates the term “military identification” to be a “uniformed services identification.”

Family Law

Among other alterations within the Family Law Article, the bill replaces a reference to the United States *armed forces* with *service member* in provisions that authorize the early effectiveness of a marriage license (prior to the expiration of a waiting period) in certain situations.

Public Safety

Firearms: The bill alters several provisions that provide exemptions from the requirements and restrictions relating to the sale, rental, transfer, and possession of regulation firearms, rifles, and shotguns. The defined term “armed forces” is generally substituted for the previously undefined “armed forces of the United States.” Specifically, the bill makes this substitution within the sections relating to:

- regulated firearms (handgun qualification license (HQL); handgun safety devices; relief from a firearms disqualification; restrictions on the sale, rental or transfer of a regulated firearm; and out-of-state purchases);
- rifles and shotguns (possession of a short-barreled rifle and restrictions on the sale, rental, or transfer of a rifle or shotgun);
- permit to wear, carry, and transport a handgun;
- explosives license; and
- organized militia enlistment.

In addition to the above change in provisions regarding HQL, current law (§ 5-117.1 of the Public Safety Article) references individuals who possess a valid *military* identification card; the bill substitutes the term “*uniformed services*.”

Militia: The bill updates various terms within provisions relating to the establishment of a militia in the State. For example, the bill substitutes the term “*uniformed services*” for former references to the “*armed forces*,” thereby including PHS and NOAA within provisions relating to (1) the composition of the Maryland Defense Force; (2) exemptions

from the unlawful wearing of a uniform; and (3) prohibitions against exclusion from places of amusement and recreation.

Also, under current law, each individual commissioned or appointed as an officer or warrant officer must meet certain requirements. Under the bill, the requirements are expanded to include the option of being (1) an individual with prior service in the *uniformed services*; (2) a graduate of the Uniformed Services University; and (3) a graduate of a school, college, university, or officers' training school who received instruction (instead of only *military* instruction) under the supervision of an officer of the *uniformed services* who certified the graduate's fitness for appointment as a commissioned officer.

Servicemembers Civil Relief Act: The Servicemembers Civil Relief Act (SCRA) (50 U.S.C. §§ 501 to 596), is a federal law that provides military members certain protections as they enter active duty and other protections while they are on active duty. It has been adopted into State law and becomes effective when members of the National Guard or Maryland Defense Force are ordered to military duty under certain circumstances. SCRA generally covers issues such as rental agreements, security deposits, prepaid rent, eviction, installment contracts, credit card interest rates, mortgage interest rates, mortgage foreclosure, civil judicial proceedings, automobile leases, life insurance, health insurance, and income tax payments. Among other changes, the bill establishes that active service authorized by the U.S. Secretary of Health and Human Services (or the Assistant Secretary for Health or the Surgeon General), under specified circumstances, qualifies an eligible service member and eligible spouse for protections under SCRA.

Maryland Code of Military Justice: The bill updates various terms within provisions relating to the Maryland Code of Military Justice, most notably substituting *armed forces* of the United States with the term "*uniformed services*," defined as specified above, as relates to prohibitions against desertion to encompass members of PHS and NOAA.

Other Changes: The defined term "*uniformed services*" replaces the previously undefined term "*military*," thus definitively including PHS and NOAA for purposes of reappointments to DSP. In other provisions regarding the attendance of a uniformed honor guard from the active *armed forces* at the burial service of a deceased veteran, the term "*uniformed services*" is substituted. Also, the bill modifies the scope of the Maryland Department of Emergency Management with regard to "*emergency management*," which under the bill does not include the preparation for and carrying out of functions in an emergency for which the *uniformed services* (rather than the *military forces*) are primarily responsible.

Real Property

The bill updates terms used within provisions relating to residential leases and the rent liability of military personnel who have received a change of assignment. For example, the bill substitutes a reference to a *person on active duty with the United States military* with the term “*active service member*,” thereby definitively including PHS and NOAA.

State Fiscal Effect: Although the definition changes in the bill expand access to various State benefits and privileges (generally to certain members of PHS and NOAA), these changes represent a small number of people.

In January 2020, the latest date for which information is readily available, there were an estimated 2,200 PHS officers living in Maryland, with about 1,500 on active duty and 700 retired. As of September 2024, there are 53 NOAA officers in the State, and as of January 2025, about 6,000 National Guard members in Maryland. Compared to the 321,000 veterans living in Maryland who are already covered by these provisions, this change is very small and can be absorbed by any affected agency’s existing funds.

DSP currently operates a licensing portal for many transactions relating to firearms, including applications for an HQL or a handgun permit. As explained above, altering the accepted identification to be “uniformed services” necessitates an update to the DSP licensing portal to accommodate the change at a cost of \$50,000 in fiscal 2026 only.

The Judiciary can absorb minimal programming and similar costs within existing budgeted resources.

Additional Comments: Under additional definitions under 38 U.S.C. § 101, “active military, naval, air, or space service” includes full-time duty in a reserve component of the armed forces, full-time duty as a commissioned officer of the Regular or Reserve Corps of PHS or commissioned officer corps of NOAA, and service as a cadet or midshipman at a service academy (Military, Air Force, Coast Guard, or Naval academies).

Additional Information

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

Designated Cross File: HB 1060 (Delegates Crutchfield and Kaufman) - Judiciary.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Secretary of State; Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Veterans and Military Families; Military Department; Department of Legislative Services

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