

SENATE BILL 128

P1

(PRE-FILED)

6lr0281
CF 6lr0282

By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Military)**

Requested: September 17, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Military Department – Supervision of State Active Duty Personnel**

3 FOR the purpose of providing for command and control of State active duty personnel
4 during mobilizations of the Maryland National Guard; and generally relating to the
5 Maryland Military Department.

6 BY repealing and reenacting, with amendments,
7 Article – Public Safety
8 Section 13–702
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2025 Supplement)

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

13 **Article – Public Safety**

14 13–702.

15 (a) This section applies to **ALL UNITS OF** the [Maryland Defense Force and the
16 National Guard] **DEPARTMENT, INCLUDING THE NATIONAL GUARD, THE MARYLAND**
17 **DEFENSE FORCE, AND STATE OPERATIONS.**

18 (b) The Governor may order the militia into State active duty:

19 (1) in times of or on reasonable apprehension of imminent public crisis,
20 disaster, rioting, catastrophe, insurrection, invasion, tumult, or breach of peace;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) when martial law is declared;

(3) to enforce the laws; or

(4) to carry on any function of the militia of the State.

(c) (1) To enforce the laws, a member of the militia in State active duty has all the authority of a peace or law enforcement officer.

(2) The authority of the member extends throughout the State during the State active duty.

(D) DURING STATE ACTIVE DUTY, MEMBERS OF THE DEPARTMENT ARE UNDER THE OPERATIONAL COMMAND AND CONTROL OF THE ADJUTANT GENERAL, OR ANY OFFICER OF THE NATIONAL GUARD DESIGNATED BY THE ADJUTANT GENERAL, WHETHER THE ADJUTANT GENERAL OR DESIGNEE IS:

(1) IN STATE ACTIVE DUTY; OR

(2) IN A FEDERAL STATUS IN WHICH THE GOVERNOR IS THE COMMANDER IN CHIEF.

[(d)] (E) Whenever the militia is in State active duty, the ranking officer of the militia ordered into State active duty or that officer's subordinates on State active duty shall:

(1) cooperate with local law enforcement authorities; or

(2) if the exigencies of the case require and subject only to order from the Governor:

(i) direct and control local law enforcement authorities and the Department of State Police; and

(ii) assume all the powers vested in these subordinated law enforcement authorities.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.