

SENATE BILL 128

P1

EMERGENCY BILL
(PRE-FILED)

6lr0281
CF HB 301

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 7, 2026

CHAPTER _____

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.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

(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.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.