

under the laws of this State or of any other state in the United States, ~~or the United States, or the United States~~ and has been sentenced to serve at least three years or an indeterminate sentence in any penitentiary or penal institution eighteen months of which sentence has been served; seventhly, on the application of either party when the husband and wife have lived separate and apart without any cohabitation and without interruption for five years. A plea of res adjudicata or of recrimination with respect to any other provisions of this section shall not be a bar to either party obtaining a divorce of this seventh ground. When a divorce is granted on this seventh ground, the court, in the absence of a bona fide property division agreement between the parties, which it may exercise on the application of ~~their~~ EITHER party, may divide and distribute between the parties, all their property, real, personal or mixed, over which the court has jurisdiction. The amount and proportion of the property to be divided and distributed shall be in the sound discretion of the court as just and equitable considering all the circumstances of the case.

SEC. 2. *And be it further enacted*, That this Act shall take effect July 1, 1972.

Approved May 26, 1972.

CHAPTER 648

(House Bill 947)

AN ACT to add new Section 112(k) to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Teachers," to follow immediately after Section 112(j) thereof; and to repeal in its entirety Chapter 632 of the Acts of 1969, that Chapter relating to the crediting for salary purposes of any time spent on active duty by a teacher enlisting in the armed forces of the United States under certain circumstances; and to provide for the reinstatement of and reemployment of teachers and classified employees of any county or Baltimore City Board of Education in the State who enter the armed forces of the United States on an active basis and generally relating thereto.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That new Section 112(k) be and it is hereby added to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Teachers," to follow immediately after Section 112(j) thereof; and that Chapter 632 of the Acts of 1969 be and it is hereby repealed; to read as follows:

112.

(k) *Any teacher or classified employee of the Baltimore City or any county Board of Education in the State other than a temporary or emergency employee who by reason of his entry into the armed forces of the United States has left or leaves his position with the Board of Education, shall be reinstated to the classification which he held prior to his entry into the armed forces, or to a position of equal responsibility, qualifications, and pay, provided:*