

the composition of the National Guard, is inconsistent with the definition of the National Guard in 10 U.S.C. § 101.

Defined term: "National Guard" § 13-101

13-402. POLICE POWER.

(A) IN GENERAL.

A MEMBER OF THE NATIONAL GUARD HAS THE SAME POLICE POWER, AUTHORITY, AND STATUS WITH RESPECT TO THE ENFORCEMENT OF THE LAW RELATING TO CRIMINAL MATTERS IN THE MILITARY AREA TO WHICH THE MEMBER IS ASSIGNED, AS A LAW ENFORCEMENT OR PEACE OFFICER HAS IN THE OFFICER'S RESPECTIVE JURISDICTION IF:

(1) THE ADJUTANT GENERAL DESIGNATES THE MEMBER AS NATIONAL GUARD FULL-TIME SUPPORT PERSONNEL UNDER TITLE 32 OF THE UNITED STATES CODE;

(2) THE DEPARTMENT CONTROLS OR HAS JURISDICTION OVER THE MEMBER; AND

(3) THE MEMBER IS ACTING AS A NATIONAL GUARD MEMBER.

(B) DEFENSES.

A MEMBER OF THE NATIONAL GUARD HAS THE IMMUNITIES AND DEFENSES AVAILABLE TO A LAW ENFORCEMENT OR PEACE OFFICER IN A CRIMINAL PROCEEDING OR CIVIL SUIT BROUGHT BECAUSE OF AN ACT PERFORMED IN THE COURSE OF EMPLOYMENT AND DUTY UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 65, § 8A.

In the introductory language of subsection (a) and in subsection (b) of this section, the reference to "law enforcement" officer is substituted for the former reference to "sheriffs, constables, [or] police" for brevity.

In subsection (b) of this section, the reference to having "immunities and defenses" available is substituted for the former reference to having immunities and defenses "now available or such as hereafter may be made available" for brevity.

Defined terms: "Department" § 13-101

"National Guard" § 13-101

13-403. ASSIGNMENT TO DIVISIONS, BRIGADES, AND OTHER TACTICAL UNITS.

(A) IN GENERAL.

TO MAINTAIN AN APPROPRIATE ORGANIZATION AND TO ASSIST IN INSTRUCTION AND TRAINING, THE PRESIDENT OF THE UNITED STATES MAY: