

(2) THE OFFICER IS NOT UNDER ARREST OR RETURNED TO A MILITARY COURT FOR A DEFICIENCY OR DELINQUENCY;

(3) THE OFFICER IS NOT INDEBTED TO THE STATE; AND

(4) THE ACCOUNTS OF THE OFFICER FOR MONEY OR PUBLIC PROPERTY ARE CORRECT.

(B) OTHER — DISCHARGES.

(1) IF THE GOVERNOR ACCEPTS THE RESIGNATION OF AN OFFICER WHO, AT THE TIME OF THE RESIGNATION, IS UNDER ARREST, UNDER CHARGES, OR RETURNED TO A MILITARY COURT FOR AN OFFENSE, DEFICIENCY, OR DELINQUENCY, THE OFFICER SHALL:

(I) CEASE TO BE AN OFFICER; AND

(II) RECEIVE A DISCHARGE IN A FORM THAT THE GOVERNOR DIRECTS.

(2) AN OFFICER WHO RESIGNS UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT ELIGIBLE TO RECEIVE A COMMISSION UNLESS THE OFFICER:

(I) REENLISTS; AND

(II) PERFORMS AT LEAST 100% OF DUTY IN EACH YEAR OF THE REENLISTMENT FOR 2 SUCCESSIVE YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 65, § 23.

Defined term: "State" § 1-101

SUBTITLE 7. ACTIVE DUTY OR TRAINING.

13-701. AUTHORITY TO ORDER OUT FOR SERVICE; FAILURE TO APPEAR.

(A) IN GENERAL.

(1) IF THE MILITIA OF THE STATE IS ORDERED UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES, THE GOVERNOR MAY ORDER OUT FOR ACTIVE DUTY THE ORGANIZED MILITIA.

(2) IF THE NUMBER OF ORGANIZED MILITIA AVAILABLE IS INSUFFICIENT, THE GOVERNOR MAY ORDER OUT THE UNORGANIZED MILITIA.

(B) FAILURE TO APPEAR.

EACH MEMBER OF THE UNORGANIZED MILITIA WHO VOLUNTEERS OR IS ORDERED OUT IS SUBJECT TO COURT-MARTIAL UNDER THIS TITLE FOR FAILURE TO APPEAR AT THE TIME AND PLACE DESIGNATED BY THE MEMBER'S COMMANDING OFFICER.