

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 65, §§ 2 and 4.

In subsection (a)(1) and (2) of this section, the former references to "part" of the militia are deleted as implicit in ordering out the militia.

Also in subsection (a)(1) and (2) of this section, the former phrases "as may be necessary" and "as he may deem necessary" are deleted as implicit in the discretion granted to the Governor to order out the militia.

In subsection (a)(1) of this section, the term "active duty" is substituted for the former term "service". See General Revisor's Note to title.

Also in subsection (a)(1) of this section, the former reference to being "called" into service is deleted as implicit in the reference to being "ordered" into service.

In subsection (a)(2) of this section, the reference to the number "of organized militia" available is added for clarity.

In subsection (b) of this section, the reference to this "title" is substituted for the former reference to this "article" for clarity because former Article 65 is revised as this title.

13-702. MILITIA IN STATE ACTIVE DUTY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE MARYLAND DEFENSE FORCE WHEN THE MARYLAND DEFENSE FORCE EXISTS UNDER LAW.

(B) GUBERNATORIAL AUTHORITY TO ORDER MILITIA INTO STATE ACTIVE DUTY.

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) AUTHORITY OF MILITIA IN STATE ACTIVE DUTY.

(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.