

ABSENCE WITHOUT LOSS OF PAY, TIME, OR EFFICIENCY RATING WHILE ACTUALLY SERVING UNDER THE STATE ACTIVE DUTY ORDERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 65, § 42.

In subsection (a)(1) of this section, the reference to this "title" is substituted for the former reference to this "article" to reflect that former Article 65 is revised in this title.

In subsection (b) of this section, the word "State" active duty is added to conform with the defined term.

Defined terms: "County" § 1-101  
"State active duty" § 13-101

13-708. CIVIL OR CRIMINAL LIABILITY FOR ACTS IN DISCHARGE OF DUTY.

(A) IN GENERAL.

A MEMBER OF THE ORGANIZED MILITIA ORDERED INTO STATE ACTIVE DUTY BY PROPER AUTHORITY IS NOT LIABLE CIVILLY OR CRIMINALLY FOR AN ACT DONE WHILE DISCHARGING A DUTY.

(B) SECURITY FOR PAYMENT AND RECOVERY OF COURT COSTS.

(1) THE COURT SHALL REQUIRE A PERSON TO FILE SECURITY FOR THE PAYMENT OF COSTS THAT MAY BE AWARDED TO THE DEFENDANT WHEN THE PERSON PROSECUTES OR BEGINS A SUIT OR PROCEEDING:

(I) AGAINST AN OFFICER OF THE ORGANIZED MILITIA FOR AN ACT DONE BY THE OFFICER IN THE OFFICER'S OFFICIAL CAPACITY IN THE DISCHARGE OF A DUTY UNDER THIS TITLE;

(II) AGAINST A PERSON ACTING UNDER THE AUTHORITY OR ORDER OF AN OFFICER OF THE ORGANIZED MILITIA; OR

(III) BY VIRTUE OF A WARRANT THAT AN OFFICER OF THE MILITIA LAWFULLY ISSUES.

(2) IN ALL CASES, THE DEFENDANT MAY MAKE A GENERAL DENIAL AND GIVE EVIDENCE.

(3) IF THE CASE IS DISMISSED OR A VERDICT OR JUDGMENT IS RENDERED AGAINST THE PLAINTIFF, THE DEFENDANT SHALL RECOVER TREBLE COSTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 65, § 52.

In subsection (a) of this section, the former reference to members of the organized militia not being liable for any act done "by them" while discharging their duty is deleted as implicit in the reference to members of the militia not being liable "for an act done while discharging a duty".