

(2) IN A CASE OF ABSENCE WITHOUT LEAVE, AN OFFENDER SHALL BE REFERRED TO A SUMMARY COURT OFFICER FOR TRIAL WITHOUT FIRST BEING REFERRED TO AN INVESTIGATING OFFICER.

(C) PERSONS SUBJECT TO A COURT-MARTIAL.

(1) A MEMBER OF A FORCE ORGANIZED UNDER THIS TITLE IS IN THE ACTUAL SERVICE OF THE STATE AND IS SUBJECT TO ALL MILITARY LAWS, ORDERS, AND REGULATIONS.

(2) A VIOLATION OF A MILITARY LAW, ORDER, OR REGULATION IS AN OFFENSE AGAINST THE STATE AND IS PUNISHABLE AS PROVIDED IN THIS SUBTITLE.

(D) JURISDICTION OF A COURT-MARTIAL.

(1) THE JURISDICTION OF A COURT-MARTIAL ESTABLISHED UNDER THIS SUBTITLE IS PRESUMED TO BE CORRECT.

(2) A PERSON ALLEGING LACK OF JURISDICTION IN AN ACTION OR PROCEEDING HAS THE BURDEN OF PROVING LACK OF JURISDICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first paragraph of former Art. 65, § 43, and from the introductory paragraph of former Art. 65, § 47.

In subsections (a) and (b)(1) of this section, the former references to courts-martial and of "the organized militia" are deleted in light of § 13-801 of this subtitle.

In the introductory language of subsection (b)(1) of this section, the phrase "shall be consistent with" is substituted for the former phrases "shall be ... like", "shall ... possess like", and "shall follow" for clarity.

Also in the introductory language of subsection (b)(1) of this section, the former reference to the "proceedings" of courts-martial is deleted as included in the reference to a "court-martial".

Also in the introductory language of subsection (b)(1) of this section, the reference to "Air Force" is added to conform to current practice and law relating to the Maryland Air National Guard. See General Revisor's Note to title.

In subsection (b)(1)(i) of this section, the reference to "jurisdiction" is substituted for the former phrase, "cognizance of the same subjects", to provide clarity through the use of more modern terminology.

In subsection (b)(1)(iii) of this section, the former reference to "forms and modes" of procedure is deleted as included in the reference to "procedures".

In subsection (b)(1)(iv) of this section, the reference to "composition" is substituted for the former phrase "constituted like" for clarity.

In subsection (b)(2) of this section, the phrase "first being referred" is