

WHEREAS, The State of Maryland recognizes the tremendous dedication and sacrifice of those men and women who served in the armed forces and their willingness to defend the freedoms that we as individuals hold dear; and

WHEREAS, This legislation was inspired by the untimely death of Eric Kavanagh, a 20-year-old soldier and resident of Maryland, who was killed in action in Iraq on September 20, 2006, during Operation Iraqi Freedom, and dedicated to every man and woman in our armed forces who died protecting our country; and

WHEREAS, We believe that special honor should be given to those brave soldiers and surviving family members; and

WHEREAS, We also believe that it is imperative to protect the dignity of those who have fallen while serving this great country and that no individual, group, or organization should profit from the commercial use of a fallen soldier's name; and

WHEREAS, It is fitting that the State of Maryland enact legislation to ensure that the privacy of these heroic soldiers be respected and maintained; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Business Regulation

SUBTITLE 4. USE OF A DECEASED SOLDIER'S IDENTITY.

19-401.

IN THIS ~~SECTION~~ SUBTITLE, "SOLDIER" MEANS:

(1) AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES, INCLUDING THE ARMY, MARINE CORPS, NAVY, AIR FORCE, COAST GUARD, NATIONAL GUARD, RESERVE FORCES, AND ANY OTHER STANDARD UNITED STATES MILITARY AGENCY; OR

(2) A FEDERAL ACTIVE DUTY MEMBER OF THE STATE NATIONAL GUARD OR RESERVE FORCE.

19-402.

THIS ~~SECTION~~ SUBTITLE DOES NOT APPLY TO:

(1) THE USE OF A SOLDIER'S NAME, PORTRAIT, PICTURE, OR IMAGE IN AN ATTEMPT TO PORTRAY, DESCRIBE, OR IMPERSONATE THAT