

HOUSE BILL 363

D3
HB 1037/13 – JUD

9lr1986
CF SB 241

By: **Delegates Lehman, Acevero, Attar, Atterbeary, B. Barnes, Bartlett, Dumais,
W. Fisher, Palakovich Carr, Pena–Melnik, Stewart, and Valentino–Smith**
Introduced and read first time: January 30, 2019
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence – Testimony by Spouse – Violation of Protective Order**

3 FOR the purpose of providing that the spouse of a person on trial for a violation of a certain
4 protective order may be compelled to testify as an adverse witness; providing for the
5 application of this Act; and generally relating to spousal testimony.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 9–106(a)
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2018 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 9–106.

15 (a) The spouse of a person on trial for a crime may not be compelled to testify as
16 an adverse witness unless the charge involves:

17 (1) The abuse of a child under 18; [or]

18 (2) Assault in any degree in which the spouse is a victim if:

19 (i) The person on trial was previously charged with assault in any
20 degree or assault and battery of the spouse;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (ii) The spouse was sworn to testify at the previous trial; and

2 (iii) The spouse refused to testify at the previous trial on the basis of
3 the provisions of this section; **OR**

4 **(3) A VIOLATION OF A PROTECTIVE ORDER UNDER § 4-509 OF THE**
5 **FAMILY LAW ARTICLE IN A PROCEEDING IN WHICH THE SPOUSE IS THE PETITIONER.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
7 apply only prospectively and may not be applied or interpreted to have any effect on or
8 application to any violation of a protective order occurring before the effective date of this
9 Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.