



**BILL NUMBER:** SB0250

**TITLE:** Criminal Law – Sexual Crimes – Repeal of Spousal Defense (Love Is No Defense to Sexual Crimes)

**COMMITTEE:** Judicial Proceedings

**HEARING DATE:** January 20, 2021

**POSITION:** Support

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TurnAround, Inc. respectfully requests a favorable report on Senate Bill 0250. This bill would support survivors of sexual violence who were victimized by their spouse.

SB0250 repeals Maryland’s prohibition on prosecuting a person for rape or other sexual offenses against a victim who was the person's legal spouse at the time of the alleged rape or sexual offense.

TurnAround, Inc. supports and advocates for survivors of sexual violence, intimate partner violence, and human trafficking. In the agency’s last fiscal year, approximately half of clients were survivors of sexual violence. According to the Rape, Abuse, and Incest National Network (RAINN), 33% of rapes and other sexual assaults are committed by a current or former spouse or partner. This bill has significant implications for many survivors across Maryland who were victimized by their legal spouse at the time of the alleged rape or sexual offense.

Currently, these survivors have limited recourse for pursuing criminal charges against their perpetrator. Exceptions include:

- Those who were living apart for at least three months prior to the offense or under a written separation agreement. However, having the ability to legally separate from one’s spouse and secure separate living arrangements disproportionately impacts low-income survivors, many of whom are survivors of color who already face significant barriers and disparities to accessing the criminal justice system. These survivors may not have the financial means to move or family/social support network to rely on during this process. Over half of TurnAround’s client population report low or no income, and financial stress has only been exacerbated by the COVID-19 pandemic, forcing many survivors to remain in violent relationships.
- The person in committing the crime uses force or threat of force **and** the act is without the consent of the spouse. Rape and sexual assault are inherently nonconsensual, and

force or threat of force are not the only ways in which perpetrators commit acts of sexual violence. Perpetrators may also utilize emotional manipulation, threat of reputational damage, threats related to custody of shared children, immigration status, or drug and/or alcohol facilitated assault to commit acts of violence against their legal spouse.

SB0250 is critical to offering a pathway to safety and justice for survivors of sexual violence who were victimized by their legal spouse.

**About TurnAround, Inc** TurnAround, Inc. is the designated rape crisis center for Baltimore City and Baltimore County, and a comprehensive domestic violence center. The agency's mission is to educate, advocate for, and empower all people impacted by intimate partner violence, sexual violence, and human trafficking. Crisis response, victim-centered advocacy, legal referrals, trauma therapy, and community education are core components of the agency's work. TurnAround is a member of the Maryland Coalition Against Sexual Assault (MCASA) and the Maryland Network Against Domestic Violence (MNADV).

For further questions, please contact Jean Henningsen, Director of Development and Special Projects at [jhenningsen@turnaroundinc.org](mailto:jhenningsen@turnaroundinc.org) and Angeles Evans, Community Engagement Manager at [aevans@turnaroundinc.org](mailto:aevans@turnaroundinc.org).