



COMMISSION FOR WOMEN

January 18, 2021

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings
2 East, Miller Senate Office Building
Annapolis, MD 21401

The Honorable Susan Lee
James Senate Office Building, Room 223
11 Bladen St., Annapolis, MD 21401

RE: Letter in Support of SB0250 – Criminal Law – Sexual Crimes –
Repeal of Spousal Defense (Love is No Defense to Sexual Crimes)

Dear Chairman Smith, Senator Lee and the Members of the Committee:

On behalf of the Montgomery County Commission for Women (“Commission”), I write to express our strong support of SB0250 – Criminal Law – Sexual Crimes – Repeal of Spousal Defense (Love is No Defense to Sexual Crimes) (cross-filed with HB0147) and to urge the Committee to issue a favorable report on this bill. The bill closes loopholes and provides protection to women who are faced with a spouse who engages in nonconsensual touching for sexual gratification or abuse.

Our Commission represents the interests of women in our County who constitute more than half of the residents in Montgomery County. The safety and security of Montgomery County women is one of the Commission’s top priorities. As a former domestic violence prosecutor, my caseload involved a large number of sexual assaults between married persons. A married person does not give up their right to bodily autonomy just because they get married. We believe that sex should always be consensual regardless of the relationship between the parties. On a personal level, I have witnessed this type of nonconsensual sexual assault with my own family members. I watched how it continued to victimize my relatives, physically, mentally, and emotionally, because these non-consensual sexual encounters were essentially rape.

We are aware that there were concerns that this bill could cause a “chilling effect” on spouses who engage in normal familial interactions between a married couple. However, this does not prevent such consensual engagement. We note that Maryland’s law under fourth-degree sexual offenses excludes this kind of touching. This bill is to remove a consent for a spouse who engages in nonconsensual touching for sexual gratification or abuse.

We also want to address the argument it would cause false reports of rape. To the contrary, most rape survivors don’t make a police report. Only 36 percent of all rape survivors make police reports, and the report rate is lowest for spousal rape. Survivors of spousal rape are likely to

endure additional non-sexual violence in their marriages and experience [high rates](#) of mental and physical health issues.

It is time to repeal this antiquated law that is based on patriarchal beliefs when women were considered chattel. Maryland is a progressive state and our criminal laws should not allow a person to commit sexual assault crimes against their spouse. For these reasons, the Montgomery County Commission for Women urges a favorable report on this bill.

Sincerely,



Nicole Y. Drew, Esq.
President
Montgomery County Commission for Women

Commissioners:

Donna Rojas – First Vice President
Diana Rubin – Second Vice President
Tiffany Boiman – Recording Secretary
Tazeen Ahmad
Isabel Argoti
Mona-Lee Belizaire
Tonia Bui
Arlinda Clark
Ijeoma Enendu
Patricia Maclay
Chai Shenoy
Patricia Swanson
Angela Whitehead Quigley
Meredith Weisel

Executive Director
Jodi Finkelstein