



Bill No: HB153
Title: Criminal Law – Sexual Crimes – Repeal of Spousal Defense
Committee: Judiciary
Hearing: January 27, 2022
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **HB153 Criminal Law – Sexual Crimes – Repeal of Spousal Defense** is a priority on the 2022 MLAW Agenda and we urge your support.

HB153 seeks to repeal the current statute that makes marriage a defense to some sex crimes. Sexual Assault disproportionately affects women. Like many states, Maryland’s laws were based on the premise that marriage was consent to sex and that, therefore, a man could not rape his wife. Unlike many states, Maryland has not yet firmly rejected that antiquated and fundamentally disrespectful concept.

Criminal Law §3-318 provides that marriage is a defense to certain sex crimes. We have made some progress: Spouses can be prosecuted for any sex crime if they have a limited divorce or for some sex crimes if they have been separated for three months or have a written separation agreement. Finally, if the rape involved actual force or threat of force, marriage is not a defense. **For other sex crimes, marriage is a complete defense.** This bill repeals Criminal Law §3-318. Marriage should never be a defense to a sex crime.

For these reasons, MLAW strongly urges the passage of HB153.



MLAW 2022 Supporting Organizations

The following organizations have signed on in support of our 2022 Legislative Agenda:

Allegany County Women's Action Coalition
American Association of University Women Maryland
American Association of University Women Anne Arundel County
American Association of University Women Garrett Branch
Anne Arundel County NOW
Baltimore County Commission for Women
Baltimore Jewish Council
Baltimore NOW (National Organization for Women)
Business and Professional Women of Maryland
For All Seasons, Inc.
Forward Justice Maryland
Make A Difference Monday
Maryland Business & Professional Women
Maryland National Organization for Women
Maryland Network Against Domestic Violence
MD Women's Heritage Center (MWHC)
MoCoWoMen
Montgomery County Commission for Women
Montgomery County Women's Democratic Club
Montgomery County Chapter, National Organization for Women
National Coalition For Sexual Freedom
National Organization for Women
NCBW Anne Arundel County Chapter
Prince George's County Alumnae Chapter
Reproductive Justice Inside
South Prince George's Business and Professional Women
Women's Equality Day Celebration Across Maryland
Women's Law Center of Maryland
Yellow Rose Foundation
Zonta Club Mid Maryland