

BY: House Judiciary Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL NO. 677

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “divorce” insert “; defining a certain term; and generally relating to grounds for an absolute divorce”; and in line 6, strike “(a)”.

AMENDMENT NO. 2

On page 1, after line 12, insert:

“(A) IN THIS SECTION, “ABUSE” MEANS A FINDING OF GUILT FOR ANY OF THE FOLLOWING OFFENSES COMMITTED BY AN INDIVIDUAL AGAINST THE SPOUSE OF THE INDIVIDUAL:

(1) ASSAULT IN THE FIRST DEGREE;

(2) AN OFFENSE UNDER THE SEXUAL OFFENSES SUBHEADING OF ARTICLE 27 OF THE CODE; OR

(3) ATTEMPTED MURDER IN ANY DEGREE.”;

and in line 13, strike “(a)” and substitute “(B)”.

On page 2, in line 19, strike “; AS DEFINED IN § 4-501(B) OF THIS ARTICLE”; and after line 19, insert:

“[(b)] (C) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection [(a)] (B)(1) through (5) of this section, but is a factor to be considered by the court in a case involving the ground of adultery.

(Over)

[(c)] (D) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of 2-year separation.

[(d)] (E) Condonation is not an absolute bar to a decree of an absolute divorce on the ground of adultery, but is a factor to be considered by the court in determining whether the divorce should be decreed.

[(e)](F) (1) A court may decree an absolute divorce even if a party has obtained a limited divorce.

(2) If a party obtained a limited divorce on the ground of desertion that at the time of the decree did not meet the requirements of subsection [(a)] (B) (2) of this section, the party may obtain an absolute divorce on the ground of desertion when the desertion meets the requirements of subsection [(a)] (B)(2) of this section.”.