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HB 1169/96 - JUD

1997 Regular Session  
7r0004

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**By: Delegates Pitkin, Grosfeld, Hubbard, Conroy, R. Baker, Benson, M. Burns, Crumlin, Cryor, Eckardt, Frush, Healey, Hecht, Howard, B. Hughes, Hurson, Kopp, Krysiak, Marriott, McIntosh, Menes, Montague, D. Murphy, Nathan-Pulliam, Perry, Petzold, and Turner**

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Manslaughter - Inadequate Provocation - Spousal Adultery**

3 FOR the purpose of establishing that the discovery of one's spouse engaged in ~~sexual~~  
4 ~~activity or~~ sexual intercourse with another person does not constitute legally  
5 adequate provocation for the purpose of mitigating a killing from the crime of  
6 murder to voluntary manslaughter; providing for the application of this Act; and  
7 generally relating to legally adequate provocation for mitigating a killing from  
8 murder to voluntary manslaughter.

9 BY adding to

10 Article 27 - Crimes and Punishments

11 Section 387A

12 Annotated Code of Maryland

13 (1996 Replacement Volume)

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

16 **Article 27 - Crimes and Punishments**

17 387A.

18 THE DISCOVERY OF ONE'S SPOUSE ENGAGED IN ~~SEXUAL ACTIVITY OR~~ SEXUAL  
19 INTERCOURSE WITH ANOTHER PERSON DOES NOT CONSTITUTE LEGALLY  
20 ADEQUATE PROVOCATION FOR THE PURPOSE OF MITIGATING A KILLING FROM THE

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1 CRIME OF MURDER TO VOLUNTARY MANSLAUGHTER WHEN THE KILLING WAS  
2 PROVOKED BY THAT DISCOVERY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed  
4 only prospectively and may not be applied or interpreted to have any effect on or  
5 application to any crimes committed before the effective date of this Act.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 1997.