

HOUSE BILL 9

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1998 Regular Session
(8lr1113)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Hecht, Menes, Grosfeld, Taylor, Vallario, Dewberry, Hurson, Rawlings, Curran, Busch, Guns, Hixson, Harrison, Kopp, Arnick, W. Baker, Benson, Billings, Bozman, Cadden, Conroy, Conway, C. Davis, Doory, Franchot, Frush, Fulton, Goldwater, Howard, Jones, Kagan, Krysiak, Love, Malone, Mandel, Marriott, Nathan-Pulliam, Patterson, Petzold, Pitkin, Proctor, Rosenberg, Rudolph, Shriver, Weir, and Workman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER _____

- 1 AN ACT concerning
- 2 **Family Law - Grounds for Absolute Divorce - Domestic Violence**
- 3 FOR the purpose of adding certain grounds for an absolute divorce.
- 4 BY repealing and reenacting, with amendments,
- 5 Article - Family Law
- 6 Section 7-103(a)
- 7 Annotated Code of Maryland
- 8 (1991 Replacement Volume and 1997 Supplement)

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

3 **Article - Family Law**

4 7-103.

5 (a) The court may decree an absolute divorce on the following grounds:

6 (1) adultery;

7 (2) desertion, if:

8 (i) the desertion has continued for 12 months without interruption
9 before the filing of the application for divorce;

10 (ii) the desertion is deliberate and final; and

11 (iii) there is no reasonable expectation of reconciliation;

12 (3) voluntary separation, if:

13 (i) the parties voluntarily have lived separate and apart without
14 cohabitation for 12 months without interruption before the filing of the application for
15 divorce; and

16 (ii) there is no reasonable expectation of reconciliation;

17 (4) conviction of a felony or misdemeanor in any state or in any court of
18 the United States if before the filing of the application for divorce the defendant has:

19 (i) been sentenced to serve at least 3 years or an indeterminate
20 sentence in a penal institution; and

21 (ii) served 12 months of the sentence;

22 (5) 2-year separation, when the parties have lived separate and apart
23 without cohabitation for 2 years without interruption before the filing of the
24 application for divorce; [or]

25 (6) insanity if:

26 (i) the insane spouse has been confined in a mental institution,
27 hospital, or other similar institution for at least 3 years before the filing of the
28 application for divorce;

29 (ii) the court determines from the testimony of at least 2 physicians
30 who are competent in psychiatry that the insanity is incurable and there is no hope of
31 recovery; and

1 (iii) 1 of the parties has been a resident of this State for at least 2
2 years before the filing of the application for divorce[.];

3 (7) CRUELTY OF TREATMENT TOWARD THE COMPLAINING PARTY, IF
4 THERE IS NO REASONABLE EXPECTATION OF RECONCILIATION; OR

5 (8) EXCESSIVELY VICIOUS CONDUCT TOWARD THE COMPLAINING
6 PARTY, IF THERE IS NO REASONABLE EXPECTATION OF RECONCILIATION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1998.