

HOUSE BILL 9

Unofficial Copy  
D4  
HB 677/97 - JUD

1998 Regular Session  
8r1113  
CF 8r0548

(PRE-FILED)

---

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**

Requested: November 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judiciary

---

A BILL ENTITLED

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)

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

11 **Article - Family Law**

12 7-103.

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

14 (1) adultery;

15 (2) desertion, if:

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

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

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

1 (3) voluntary separation, if:

2 (i) the parties voluntarily have lived separate and apart without  
3 cohabitation for 12 months without interruption before the filing of the application for  
4 divorce; and

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

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

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

10 (ii) served 12 months of the sentence;

11 (5) 2-year separation, when the parties have lived separate and apart  
12 without cohabitation for 2 years without interruption before the filing of the  
13 application for divorce; [or]

14 (6) insanity if:

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

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

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

23 (7) CRUELTY OF TREATMENT TOWARD THE COMPLAINING PARTY; OR

24 (8) EXCESSIVELY VICIOUS CONDUCT TOWARD THE COMPLAINING  
25 PARTY.

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