

HOUSE BILL 9

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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

Committee Report: Favorable
House action: Adopted
Read second time: February 10, 1998

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)

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;

1 (2) desertion, if:

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

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

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

6 (3) voluntary separation, if:

7 (i) the parties voluntarily have lived separate and apart without
8 cohabitation for 12 months without interruption before the filing of the application for
9 divorce; and

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

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

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

15 (ii) served 12 months of the sentence;

16 (5) 2-year separation, when the parties have lived separate and apart
17 without cohabitation for 2 years without interruption before the filing of the
18 application for divorce; [or]

19 (6) insanity if:

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

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

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

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

29 (8) EXCESSIVELY VICIOUS CONDUCT TOWARD THE COMPLAINING
30 PARTY.

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