

SENATE BILL 194

Unofficial Copy  
D4  
HB 677/97 - JUD

1998 Regular Session  
8lr0548  
CF 8lr1113

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By: **Senators Kelley, Forehand, Hoffman, Pinsky, Roesser, Ruben, Trotter,  
Conway, Jimeno, Middleton, Colburn, Teitelbaum, Middlebrooks,  
Currie, Frosh, Hollinger, Lawlah, Van Hollen, and Hughes**

Introduced and read first time: January 28, 1998

Assigned to: Judicial Proceedings

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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;

20 (3) voluntary separation, if:

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

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

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

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

9 (ii) served 12 months of the sentence;

10 (5) 2-year separation, when the parties have lived separate and apart  
11 without cohabitation for 2 years without interruption before the filing of the  
12 application for divorce; [or]

13 (6) insanity if:

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

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

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

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

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

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