
By: **Delegates Shewell, Bartlett, Cluster, Cryor, Dumais, Eckardt, Edwards,
Elmore, Glassman, Hogan, Krebs, Mayer, McKee, Miller, Shank, Stull,
and Weldon**

Introduced and read first time: January 19, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Marriage - Confidential Communications - Child Abuse or Sexual Crime**
3 **Involving a Minor Victim**

4 FOR the purpose of providing that a spouse is competent to disclose a certain
5 confidential communication regarding the commission of certain crimes; adding
6 certain additional crimes as exceptions to the law that provides that the spouse
7 of a person on trial for a crime may not be compelled to testify as an adverse
8 witness; and generally relating to confidential communications occurring during
9 marriage.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 9-105 and 9-106(a)
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2005 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 9-105.

19 (A) [One] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ONE
20 spouse is not competent to disclose any confidential communication between the
21 spouses occurring during their marriage.

22 (B) A SPOUSE IS COMPETENT TO DISCLOSE A CONFIDENTIAL
23 COMMUNICATION BETWEEN THE SPOUSES OCCURRING DURING THEIR MARRIAGE
24 REGARDING THE COMMISSION OF:

25 (1) CHILD ABUSE IN THE FIRST OR SECOND DEGREE;

26 (2) SEXUAL ABUSE OF A MINOR;

1 (3) RAPE OF A MINOR IN THE FIRST OR SECOND DEGREE; OR

2 (4) SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE INVOLVING A
3 MINOR VICTIM.

4 9-106.

5 (a) The spouse of a person on trial for a crime may not be compelled to testify
6 as an adverse witness unless the charge involves:

7 [(1) The abuse of a child under 18; or]

8 (1) CHILD ABUSE IN THE FIRST OR SECOND DEGREE;

9 (2) SEXUAL ABUSE OF A MINOR;

10 (3) RAPE OF A MINOR IN THE FIRST OR SECOND DEGREE;

11 (4) SEXUAL OFFENSE OF A MINOR IN THE FIRST OR SECOND DEGREE;

12 OR

13 [(2)] (5) Assault in any degree in which the spouse is a victim if:

14 (i) The person on trial was previously charged with assault in any
15 degree or assault and battery of the spouse;

16 (ii) The spouse was sworn to testify at the previous trial; and

17 (iii) The spouse refused to testify at the previous trial on the basis of
18 the provisions of this section.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2006.