

HOUSE BILL 1037

D3

3lr2709
CF SB 630

By: **Delegates Clippinger and Dumais**
Introduced and read first time: February 8, 2013
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence – Testimony by Spouse – Violation of Protective Order**

3 FOR the purpose of providing that the spouse of a person on trial for a violation of a
4 certain protective order may be compelled to testify as an adverse witness;
5 providing for the application of this Act; and generally relating to spousal
6 testimony.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 9–106(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2012 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 9–106.

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

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

19 (2) Assault in any degree in which the spouse is a victim if:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (iii) The spouse refused to testify at the previous trial on the
3 basis of the provisions of this section; **OR**

4 **(3) A VIOLATION OF A PROTECTIVE ORDER UNDER § 4-509 OF**
5 **THE FAMILY LAW ARTICLE IN A PROCEEDING IN WHICH THE SPOUSE IS THE**
6 **PETITIONER.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
8 construed to apply only prospectively and may not be applied or interpreted to have
9 any effect on or application to any violation of a protective order before the effective
10 date of this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2013.