

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 267
Judiciary

(Delegate Dumais)

Judicial Proceedings

Crimes - Adultery - Repeal

This bill repeals the crime of adultery under § 10-501 of the Criminal Law Article.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Section 10-501 of the Criminal Law Article prohibits a person from committing adultery. A violator is guilty of a misdemeanor, punishable by a fine of \$10.

Background: According to the Judiciary, three violations for adultery were filed in the District Court during fiscal 2017. Information was not provided on the disposition of these cases. The Office of the Public Defender (OPD) advises that over the past eight years, OPD has handled five cases in which adultery was charged. In each of those cases, the adultery offense was not the primary charge.

Nineteen states, including Maryland, have statutes criminalizing adultery. The statutes vary with respect to criteria, classification of the crime, and penalties. **Exhibit 1** lists the states with these statutes.

Exhibit 1
States with Statutes Criminalizing Adultery*

Alabama	Minnesota
Arizona	Mississippi
Florida	New York
Georgia	Oklahoma
Idaho	Rhode Island
Illinois	South Carolina
Kansas	Utah
Maryland	Virginia
Massachusetts	Wisconsin
Michigan	

* North Carolina and Kentucky also have statutes relating to adultery. North Carolina's statute appears to have been ruled unconstitutional. Kentucky's statute appears to apply to civil actions.

Source: Department of Legislative Services

Legislation to reduce the penalty for adultery in Virginia from a Class 4 misdemeanor to a civil penalty has been introduced numerous times in recent years, but none of the bills have passed. On January 10, 2018, bills to this effect were once again offered in both chambers of Virginia's legislature. On January 22, 2018, the Senate bill was defeated in committee. On January 24, 2018, a subcommittee of the Courts and Justice Committee in Virginia's House of Delegates recommended reporting the House bill favorably with amendments.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Virginia General Assembly; Department of Legislative Services

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