HOUSE BILL 958

By: Delegates Crutchfield, Atterbeary, and Dumais
Introduced and read first time: February 8, 2019
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Criminal Law – Sexual Crimes – Repeal of Spousal Defense

FOR the purpose of repealing certain prohibitions on prosecuting a person for rape or a certain sexual offense against a victim who was the person’s legal spouse at the time of the alleged rape or sexual offense; and generally relating to sexual crimes.

BY repealing
Article – Criminal Law
Section 3–318
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

[3–318.

(a) Except as provided in subsections (b) and (c) of this section, a person may not be prosecuted under § 3–303, § 3–304, § 3–307, or § 3–308 of this subtitle for a crime against a victim who was the person’s legal spouse at the time of the alleged rape or sexual offense.

(b) A person may be prosecuted under § 3–303(a), § 3–304(a)(1), or § 3–307(a)(1) of this subtitle for a crime against the person’s legal spouse if:

(1) at the time of the alleged crime the person and the person’s legal spouse have lived apart, without cohabitation and without interruption:

(i) under a written separation agreement executed by the person

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
and the spouse; or

(ii) for at least 3 months immediately before the alleged rape or sexual offense; or

(2) the person in committing the crime uses force or threat of force and the act is without the consent of the spouse.

(c) A person may be prosecuted under § 3–303, § 3–304, § 3–307, or § 3–308 of this subtitle for a crime against the person’s legal spouse if at the time of the alleged crime the person and the spouse live apart, without cohabitation and without interruption, under a decree of limited divorce.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.