

HOUSE BILL 268

E2
HB 64/20 – JUD

(PRE-FILED)

11r0692

By: **Delegate Grammer**

Requested: September 18, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Trials – Spousal Privilege – Exception**

3 FOR the purpose of providing that the spouse of a person on trial for a crime may be
4 compelled to testify as an adverse witness if the spouse and the person on trial
5 married after the date on which the alleged crime for which the person is on trial
6 occurred; making a stylistic change; and generally relating to spousal testimony in
7 criminal trials.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 9–106(a)
11 Annotated Code of Maryland
12 (2020 Replacement Volume)

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

15 **Article – Courts and Judicial Proceedings**

16 9–106.

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

19 (1) **THE** charge involves:

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(i)] 1. The person on trial was previously charged with assault in
2 any degree or assault and battery of the spouse;

3 [(ii)] 2. The spouse was sworn to testify at the previous trial; and

4 [(iii)] 3. The spouse refused to testify at the previous trial on the
5 basis of [the provisions of] this section; **OR**

6 **(2) THE PERSON ON TRIAL AND THE SPOUSE MARRIED AFTER THE**
7 **DATE ON WHICH THE ALLEGED CRIME FOR WHICH THE PERSON IS ON TRIAL**
8 **OCCURRED.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2021.