

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 210  
Judiciary

(Delegate Grammer)

Judicial Proceedings

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**Criminal Trials - Spousal Privilege - Exception**

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This bill establishes that the spouse of a person on trial for a crime may be compelled to testify as an adverse witness if the person on trial and the spouse married after the date on which the alleged crime for which the person is on trial occurred.

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**Fiscal Summary**

**State Effect:** The bill does not materially impact the finances of the Judiciary or the Office of the Public Defender (OPD).

**Local Effect:** The bill does not materially impact the finances of State’s Attorneys’ offices or the circuit courts.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The spouse of a person on trial for a crime may not be compelled to testify against that person unless the charge involves the abuse of a child younger than age 18. The spousal testimony privilege is also unavailable when the charge is assault in any degree in which the spouse is a victim under the following circumstances:

- the person on trial was previously charged with assault in any degree or assault and battery of the spouse;
- the spouse was sworn to testify at the previous trial; and

- the spouse refused to testify at the previous trial by asserting the spousal testimony privilege.

**State/Local Fiscal Effect:** Although the bill may reduce the number of criminal cases in which a spousal privilege is available, potentially increasing the number of cases that are tried, any resulting impact on workload does not materially impact the finances of the Judiciary, OPD, or State's Attorneys' offices.

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### **Additional Information**

**Prior Introductions:** HB 64 of 2020 passed the House; its hearing in the Senate Judicial Proceedings Committee was canceled.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Legislative Services

**Fiscal Note History:** First Reader - January 31, 2022  
fnu2/jkb Third Reader - March 10, 2022

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