

SENATE BILL 129

E1
SB 33/22 – JPR

(PRE-FILED)

3lr0662
CF HB 4

By: ~~Senators Lee~~ **Senators Kelly and Beidle**

Requested: November 1, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Sexual Crimes – Repeal of Spousal Defense**

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

6 BY repealing

7 Article – Criminal Law

8 Section 3–318

9 Annotated Code of Maryland

10 (2021 Replacement Volume and 2022 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – Criminal Law**

14 **[3–318.**

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

18 (b) A person may be prosecuted under § 3–303(a), § 3–304(a)(1), or § 3–307(a)(1)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 of this subtitle for a crime against the person’s legal spouse if:

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

4 (i) under a written separation agreement executed by the person
5 and the spouse; or

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.