

# HOUSE BILL 406

E2

4lr1940

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By: **Delegates Simpson, Guzzone, Kaufman, Lehman, McCaskill, Wilkins, and Woods**

Introduced and read first time: January 18, 2024

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Marriage – Confidential Communication – Criminal Charge**

3 FOR the purpose of establishing that a certain spouse is competent to disclose a certain  
4 confidential communication in a criminal action in which one spouse is charged with  
5 a crime against the other spouse; and generally relating to confidential  
6 communications occurring during marriage.

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 9–105  
10 Annotated Code of Maryland  
11 (2020 Replacement Volume and 2023 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 9–105.

16 (A) [One] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ONE**  
17 spouse is not competent to disclose any confidential communication between the spouses  
18 occurring during their marriage.

19 (B) (1) **A SPOUSE, WHO IS THE ALLEGED VICTIM, IS COMPETENT TO**  
20 **DISCLOSE A CONFIDENTIAL COMMUNICATION BETWEEN SPOUSES OCCURRING**  
21 **DURING THEIR MARRIAGE IN A CRIMINAL ACTION IN WHICH ONE SPOUSE IS**  
22 **CHARGED WITH A CRIME AGAINST THE OTHER SPOUSE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(2) A SPOUSE MAY NOT BE COMPELLED TO TESTIFY TO A**  
2 **CONFIDENTIAL COMMUNICATION UNDER THIS SUBSECTION.**

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2024.