



Maryland Legislative Agenda for Women

Bill No: House Bill 248
Title: Protective Orders - Relief Eligibility - Rape and Sexual Offenses
Committee: Judiciary
Hearing Date: January 30, 2020
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW's purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **House Bill 248 a priority on the 2020 MLAW Agenda.**

MLAW supports House Bill 248 because this bill would repeal the law allowing marriage as a defense to sex crimes.

This is a bill to repeal the current statute that makes marriage a defense to some sex crimes. Sexual assault disproportionately affects women.

Like many states, Maryland's laws were based on the premise that marriage was consent to sex and that, therefore, a man could not rape his wife. Unlike many states, Maryland has not yet firmly rejected that antiquated and fundamentally disrespectful concept.

Criminal Law §3-318 provides that marriage is a defense to certain sex crimes. We have made some progress: Spouses can be prosecuted for any sex crime if they have a limited divorce. Additionally, if the parties have been separate and apart and "without cohabitation" (meaning without having sexual relations) and they have been separated for three months or have a written separation agreement, then they can be prosecuted for sex crimes that are not based on age or capacity. Finally, if the rape involved actual force or threat of force, marriage is not a defense. For other sex crimes, marriage is a complete defense.

Marriage should never be a defense to a sex crime. **The Maryland Legislative Agenda for Women strongly urges the passage of House Bill 248.**

Maryland Legislative Agenda for Women (MLAW)

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MLAW Supporting Organizations

The following organizations have signed on in support of 2020 Legislative Agenda:

AAUW Maryland
Anne Arundel County Commission for Women
Anne Arundel County NOW
Baltimore County Women's Commission
Calvert County Commission for Women
Charles County Commission of Veterans Affairs
DC Coalition for Safe and Just Communities
Federation of Jewish Women's Organization of Maryland
Greater Washington Jewish Coalition Against Domestic Abuse (JCADA)
HopeWorks of Howard County
Law Office of Carole D. Brown, LLC
Lincoln Park Historical Foundation
Maryland Business and Professional Women
Maryland Coalition Against Sexual Assault
Maryland NOW
Maryland Women's Heritage Center
MoCoWoMen
Montgomery County BPW
Montgomery County NOW
Montgomery County Women's Democratic Club
Montgomery County Young Democrats
National Coalition of 100 Black Women, Inc., Anne Arundel Chapter
National Coalition of 100 Black Women, Prince George's County, Md
North Arundel Alumnae Chapter, Delta Sigma Theta Sorority, Inc.
On Our Own of Montgomery County Inc.
Planned Parenthood of Maryland
Prince George's County Drug Policy Coalition, Inc.
The Human Trafficking Prevention Project
The Law Office of Jessica O'Kane
The QED Foundation
Women's Equality Day 2020 Celebration Coalition
Women's Law Center of Maryland