



House of Ruth
Maryland

Marjorie Cook Foundation

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TESTIMONY IN SUPPORT OF HOUSE BILL 289

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The House of Ruth is a non-profit organization providing shelter, counseling and legal services to victims of domestic violence throughout the State of Maryland. House Bill 289 would compel a victim-spouse to testify in a criminal proceeding where the petitioner alleges that the respondent violated the protective order by committing an act of abuse against the victim. **We urge the House Judiciary Committee to favorably report on House Bill 289.**

Under current law, a spouse cannot be compelled to testify against her/his defendant-spouse. An exception to this is if the spouse previously invoked the so-called “spousal privilege” during a prior criminal prosecution for assault. House Bill 289 would create another exception to the spousal privilege statute whereby the State’s Attorney could compel the victim-spouse’s testimony in a criminal proceeding where the crime is violation of a final protective order by committing or threatening to commit an act of abuse as defined in the protective order statute.

When a defendant is prosecuted for violation of a protective order, a court has already determined that an act of abuse occurred and the defendant has subsequently been accused of violating the protective order by re-abusing the victim. In such situations, victims are often in significant danger because their abusers are showing disregard for the law. Prosecutions for violations of protective orders must be taken seriously. However, most domestic violence prosecutions cannot go forward without the victim’s testimony because often there are no witnesses to incidents of domestic abuse.

Victims of domestic violence are frequently coerced by their abusers into taking legal action to the abuser’s benefit and the victim’s detriment. Domestic violence perpetrators often try to pressure victims to recant their prior statements to police and invoke their spousal privilege. This pressure might be alleviated if victim-spouses cannot invoke spousal privilege where the prosecuted crime is violation of a protective order. Ultimately, this law will protect victims and increase accountability for abusers.

The House of Ruth urges the House Judiciary Committee to issue a favorable report on House Bill 289.