



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HOUSE BILL 289**  
**EVIDENCE – TESTIMONY BY SPOUSE – VIOLATION OF A**  
**PROTECTIVE ORDER**

Mr. Chairman, Madam Vice Chair and Members of the Judiciary Committee,

House Bill 289 establishes that the spouse of a person on trial for violation of a protective order by committing or threatening to commit an act of abuse as defined in section 4-501 of the Family Law Article may be compelled to testify as an adverse witness if the spouse was the petitioner in the protective order proceeding.

Expanding the limitations on spousal privilege is critical for better protecting victims of domestic violence where the situation is escalating. This bill addresses only those situations where an individual who has already received a court-issued protective order, is then threatened by the spouse with an act of violence. This bill ensures spouses at greatest risk of harm an additional protection. It also relieves the victim of the burden of deciding whether to testify and shifts the responsibility to the State's Attorney.

**CURRENT LAW** - Under Maryland's Family Law Article, a spouse can refuse to testify against his or her spouse in a criminal proceeding. Spousal privilege was created to protect individuals who had confided in their spouses.

Under the current Maryland statute, there are two specific situations when a spouse may be compelled to testify.

1. When there is abuse of a child under the age of 18;
2. When there is assault in any degree where the spouse is a victim and a) the person on trial was previously charged with assault in any degree of the spouse or assault and battery of the spouse; b) the spouse was sworn to testify at the previous trial; and c) the spouse refused to testify, claiming privilege.

HB 289 adds a third situation where spousal testimony may be compelled when there is a violation of a protective order where the person has committed or threatened to commit an act of abuse.

This is an important and necessary tool for expanding the protection of victims of spousal violence. I respectfully urge a favorable report on HB 289.