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**To:** Members of The House Judiciary Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** March 11, 2020

**Subject:** **HB289 – Evidence – Testimony by Spouse – Violation of Protective Order**

**Position:** **Support**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB289 - Evidence – Testimony by Spouse – Violation of Protective Order**

This bill provides that a spouse who files a complaint for a violation of a protective order can be forced to testify in a proceeding on that complaint.

While the principle that a spouse cannot be forced to testify against his or her partner is an important one, this is a case where that principle must give way to the need to protect the vulnerable. It addresses an all-too-frequent occurrence in which an individual who has been the victim of a domestic incident and who has successfully has obtained a protective order, only to see that order violated, is convinced by the spouse to refuse to testify. This generally makes it impossible to enforce the law in regards to protective orders.

The bill is narrowly focused and only applies when an individual has filed a complaint against their spouse. They cannot then simply refuse to testify as to the complaint. They are free to testify in any way they choose; they simply cannot refuse to say anything.

For the reasons stated, we **Support HB289 - Evidence – Testimony by Spouse – Violation of Protective Order**.

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).

Should you have other questions, please contact The MSBA's Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at [Richard@MSBA.org](mailto:Richard@MSBA.org) and [Parker@MSBA.org](mailto:Parker@MSBA.org).