



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

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Mr. Chairman, Madam Chairwoman, Members of the Committee

Domestic abuse is a real thing. Domestic abuse comes in many shapes and forms. According to the CDC, 1 in 4 women and 1 in 7 men will experience physical violence by their intimate partner at some point during their lifetimes.

This is not a life any person chooses. This is not a life any person wants to continue living. And, this is also not a life that is very simple for many to get out of.

So that is why I'm here. When a person gets to the point where they have the strength and courage to get away from such abuse, we must do everything possible to ensure we are helping, rather than making it more difficult.

There are abusers out there in this day and age who are getting civil divorces and moving on with their lives while still not allowing the victims of their abuse to move on with their lives.

For example, in Jewish law, in order for a woman to remarry, the man must give what is called a "Get". It is simply a document given by the husband to the wife that effectuates a divorce. Currently, if a man does not give this to his wife, he can get a civil divorce and move on with his life, while the woman is chained for the rest of her life and cannot move on and remarry.

THERE IS ONLY ONE EXPLANATION AS TO WHY A MAN WON'T GIVE THIS GET TO A WOMAN: BECAUSE HE WANTS TO CONTINUE TO CONTROL AND ABUSE THE WOMAN – CONTROL THE REST OF HER LIFE.

This is domestic abuse at one of its best.

HB 833 very simply requires a party who files a complaint for an absolute divorce to file an affidavit stating that the affiant has taken, or will take before entry of final judgment all steps within his or her control to remove all barriers to remarriage.

So, in the example of a "Get", we are finally not allowing the husband to get a civil divorce and move on with his life while leaving the wife chained.

This is not the ultimate solution to end domestic abuse. As a prosecutor myself, I come across many victims of such abuse and I truly understand that one solution won't solve all our problems. However, this is just one extra tool that we can use to assist these victims.

A very similar bill Sponsored by Senator Lisa Gladden died via a tie vote on the Senate floor in 2007. The concern in the Senate at the time was possible constitutionality issues with the bill since a barrier being required to be removed is related to a religious requirement. I am therefore very grateful to quote a letter from the Office of the Attorney General of Maryland about this bill that states: "While the matter is not free from doubt, it is my view that the law could be upheld against constitutional challenge." And the last sentence says this bill "could not be said to be facially unconstitutional". The letter gives a very thorough analysis (6 pages) as to why this conclusion was reached.

I am also extremely grateful to have Nathan Lewin, a distinguished attorney and First Amendment scholar, who drafted the current language of the bill and a very similar bill 40 years ago in the State of New York that has been law for 40 years and has not been found unconstitutional, although challenged, by the New York Courts.

I am therefore confident this bill is constitutional.

I do want to also stress something that Senator Kagan, the Senate sponsor so eloquently stated: "Ours is a nation of religious freedom and tolerance. But when a religious rule is weaponized so that one person can intimidate or injure another, the government has an obligation to intervene."

And, you will hear from victims and family members of victims of this abuse who will share their stories of abuse and even discuss how extortion tends to be a result of this abuse.

I therefore ask the honorable members of this committee to move this bill favorably. Thank you for all you do to help victims of domestic abuse.