



BILL NO: House Bill 268
TITLE: Criminal Trials - Spousal Privilege – Exception
COMMITTEE: Judiciary
HEARING DATE: January 14, 2020
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue a favorable report on HB 268.**

Not all intimate partner violence is physical. Intimate partner violence can manifest in a variety of ways including physical abuse, sexual abuse, emotional or verbal abuse, coercion, and economic abuse. According to the 2019 National Domestic Violence Hotline Maryland State Report, 97% of the victims that called reported experiencing emotional or verbal abuse.¹ A person can be coerced, either explicitly, or through a power and control dynamic, into marriage. HB 268 prohibits the spousal privilege from being invoked in the limited circumstance when a marriage takes place after the date on which the alleged crime that the person is on trial for occurred. This could interrupt a pattern of threats and coercion suffered by a victim of intimate partner violence with the hopes of silencing them and preventing them from testifying. Allowing for the invocation of the spousal immunity after a crime but prior to the trial could perpetuate the abusive coercion and control.

Currently, the spouse of a person on trial for a crime may not be compelled to testify against that person unless the charge involves the abuse of a child younger than age 18, or when the charge is assault in any degree, and if the spouse was the victim in the following circumstances: the person on trial was previously charged with assault in any degree or assault and battery of the spouse; the spouse was sworn to testify at the previous trial; and the privilege has previously been invoked. House Bill 268 will prevent a victim of intimate partner violence from being coerced and compelled to marry by their abuser for the purpose of silencing them as a witness.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 268.**

¹ *Statistics*, The National Domestic Violence Hotline, Retrieved January 11, 2021 from <https://www.thehotline.org/stakeholders/impact-and-state-reports/>