

HB 210 FAV House of Ruth cross.pdf

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TESTIMONY IN SUPPORT OF HOUSE BILL 210
March 23, 2022
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House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. The House of Ruth has offices in Baltimore City, Baltimore County, Prince George’s County, and Montgomery County. House Bill 210 allows a spouse to be compelled to testify against their spouse if they got married after the date on which the alleged crime occurred. **We urge the Senate Judicial Proceedings Committee to issue a favorable report on House Bill 210.**

Section 9-106 of the Courts and Judicial Proceedings Article prevents a spouse from being compelled to testify as a witness against their spouse in a criminal case. This law is known colloquially as the “spousal privilege.” Under the current version of the law, the spousal privilege cannot be invoked in cases where the defendant-spouse is charged with assaulting his/her spouse if the defendant was previously charged with assaulting his/her spouse and the victim-spouse previously invoked the spousal privilege. HB 210 would expand the exception to the spousal privilege to cases where the defendant and the victim got married after the date on which the alleged crime for which the defendant is on trial occurred.

HB 210 will protect victims of intimate partner violence from being coerced into marriage in order for their abusers to avoid criminal prosecution. Victims of domestic violence are frequently subjected to intimidation, coercion, threats, and sometimes acts of violence to force them to drop protective orders, not to call the police, or not to appear in court for criminal, family law, or other legal proceedings. House of Ruth has worked with multiple clients whose abusers forced them to marry and then invoke spousal privilege so that the criminal case was dismissed. HB 210 would protect victims of domestic violence from this form of coercion.

Last year, the Senate Judicial Proceedings Committee reported favorably on the same bill, HB 268. Unfortunately, the General Assembly ended before the bill reached the floor.

The House of Ruth urges the Senate Judicial Proceeding Committee to issue a favorable report on House Bill 210.

HB 210 - cross over hearing - FAV - Women's Law Ce

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BILL NO: House Bill 210 – cross over hearing
TITLE: **Criminal Trials - Spousal Privilege - Exception**
COMMITTEE: Judicial Proceedings
HEARING DATE: March 23, 2022
POSITION: **SUPPORT**

House Bill 210 would narrow in a small way circumstances when spousal privilege can be invoked in a criminal trial. The Women’s Law Center (WLC) supports House Bill 210 because perpetrators of crimes should not be able to shield themselves by marrying a relevant witness to the state to avoid having them testify. We are particularly concerned about someone being coerced into marriage just so a criminal defendant can invoke spousal privilege.

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. HB 210 would disallow the ability to invoke spousal privilege if the parties marry after the time the crime for which the defendant is on trial was allegedly committed. This narrow broadening of the exception to spousal privilege is appropriate.

The WLC is aware that a person can be coerced, either explicitly, or through a power and control dynamic, into marrying, despite it not being in that person’s best interests, or there not being a ‘genuine’ reason to marry. There was a fairly well known case in Baltimore County several years ago where the trial judge married the parties during a recess of the criminal case so that the defendant could then invoke spousal privilege. This should not be allowed. HB 210 would fix this problem. A bright line rule such as this is better than any law that would require judges to determine the genuineness of a marriage.

Although the Court of Appeals addressed this issue somewhat in *State v Wilson*, No. 64, September Term, 2019, as the fiscal note states, it did not specifically announce a bright line rule such as HB 210 does, rather narrowly holding to the facts of that case.

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on House Bill 210.

The Women’s Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

HB 210_MNADV_FAV_JPR.pdf

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Position: FAV



BILL NO: House Bill 210
TITLE: Criminal Trials - Spousal Privilege – Exception
COMMITTEE: Judicial Proceedings
HEARING DATE: March 23, 2022
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 Senate Judicial Proceedings Committee to issue a favorable report on HB 210.**

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 HB 210 seeks to prohibit the spousal privilege from being invoked when a marriage takes place after the date on which the alleged crime that the person is on trial for occurred. This is significant because it could potentially 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 regarding a crime they have knowledge of. Allowing for the invocation of the spousal immunity after a crime but prior to the trial could perpetuate the abusive coercion and control.

House Bill 210 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 to a crime.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 210.**

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