



## VICTIM SERVICES ADVISORY BOARD

February 1, 2022

The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

Re: Support – SB33 – Criminal Law - Sexual Crimes - Repeal of Spousal Defense

Dear Chairman Smith:

This letter, written on behalf of the Montgomery County Victim Services Advisory Board (VSAB), serves to support Senate Bill 33, which repeals the law that allows marriage to serve as a valid defense to certain sex crimes. Currently, Maryland law significantly limits the instances under which people can be prosecuted for sexual violence against their husbands or wives. These include cases when the two parties have a limited divorce, a written separation agreement or have been separated and apart for three months, and in incidents where there has been force or threat of force. These legal exceptions do not take into account spouses, usually women, who are forced to accept unwanted touching, forcible sex or similar assaults simply because they are married. Senate Bill 33 would eliminate these exceptions, and would thus guarantee that marriage can never be a defense for sexual assaults.

The Montgomery County Victim Services Advisory Board advises the County Council and County Executive on assisting the needs of victims of a broad range of violent crimes, including rape, domestic violence, sexual assault and human trafficking. The number and severity of sexual assault and domestic violence cases referred to the Montgomery County HHS Victim Assistance and Sexual Assault Program and the Abused Persons Program has continued to increase substantially during the pandemic, with more than 1800 requests for help in FY21 and 500 requests already received during the first quarter of FY 22. Victim cases have involved more reports of strangulations as victims – and abusers - have been forced to remain at home during the day because of the pandemic. More than 2,500 domestic violence protective order petitions were filed in Montgomery County District Court in 2021

Experience and data show that domestic violence victims frequently also experience sexual assault. Data based on interviews with thousands of victims shows that women stuck in abusive marriages often feel trapped, isolated and helpless. In such instances, they may realize intellectually that they must escape the marriage, but many emotional and financial factors keep them where they are. The appalling lack of a criminal remedy for sexual assault empowers abusive spouses, intimidates their victims and forces many victims to maintain their fearful silence. The continuing lack of prosecutorial threat for sexual assault contributes to an environment of increased domestic violence across our state. Marriage should never be allowed to be used as a defense to sexual assault, in Maryland and anywhere else in our country.

VSAB asks the committee to issue a favorable report on Senate Bill 33.

Sincerely,

Lawrence Center & Neda Bolourian  
VSAB Members

Department of Health and Human Services