



Bill No: SB33  
Title: Criminal Law – Sexual Crimes – Repeal of Spousal Defense  
Committee: Judicial Proceedings  
Hearing: February 1, 2022  
Position: FAVORABLE

---

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB33 Criminal Law – Sexual Crimes – Repeal of Spousal Defense** is a priority on the 2022 MLAW Agenda and we urge your support.

SB33 seeks to repeal the current statute that makes marriage a defense to some sex crimes. Sexual Assault disproportionately affects women. Like many states, Maryland’s laws were based on the premise that marriage was consent to sex and that, therefore, a man could not rape his wife. Unlike many states, Maryland has not yet firmly rejected that antiquated and fundamentally disrespectful concept.

Criminal Law §3-318 provides that marriage is a defense to certain sex crimes. We have made some progress: Spouses can be prosecuted for any sex crime if they have a limited divorce or for some sex crimes if they have been separated for three months or have a written separation agreement. Finally, if the rape involved actual force or threat of force, marriage is not a defense. **For other sex crimes, marriage is a complete defense.** This bill repeals Criminal Law §3-318. Marriage should never be a defense to a sex crime.

**For these reasons, MLAW strongly urges the passage of SB33.**



## MLAW 2022 Supporting Organizations

The following organizations have signed on in support of our 2022 Legislative Agenda:

Allegany County Women's Action Coalition  
American Association of University Women Maryland  
American Association of University Women Anne Arundel County  
American Association of University Women Garrett Branch  
Anne Arundel County NOW  
Baltimore County Commission for Women  
Baltimore Jewish Council  
Baltimore NOW (National Organization for Women)  
Business and Professional Women of Maryland  
For All Seasons, Inc.  
Forward Justice Maryland  
Make A Difference Monday  
Maryland Business & Professional Women  
Maryland National Organization for Women  
Maryland Network Against Domestic Violence  
MD Women's Heritage Center (MWHC)  
MoCoWoMen  
Montgomery County Commission for Women  
Montgomery County Women's Democratic Club  
Montgomery County Chapter, National Organization for Women  
National Coalition For Sexual Freedom  
National Organization for Women  
NCBW Anne Arundel County Chapter  
Prince George's County Alumnae Chapter  
Reproductive Justice Inside  
South Prince George's Business and Professional Women  
Women's Equality Day Celebration Across Maryland  
Women's Law Center of Maryland  
Yellow Rose Foundation  
Zonta Club Mid Maryland