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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

Chair Emeritus
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 1, 2022

Judicial Proceeding Committee

SB 33 – Favorable - Sponsor Testimony - Criminal Law - Sexual Crimes - Repeal of Spousal Defense

Senate Bill 33 is familiar to this committee, as it is the full repeal of the spousal defense to sex crimes. I have reintroduced this legislation as a clean bill again, and I trust we can pass it as a full repeal of the spousal defense to rape, without other topics outside the scope of married couples. We have had years to discuss this legislation and propose alternatives to the existing law for non-married couples, but this bill, and the notice to everyone who would want to testify on it is specifically and purposefully limited to relationships of marriage. The limited scope of this bill was by design because our code contains an unfounded and unconscionable defense to sex crimes for married couples. Please note the name of the bill has been changed to a generic title, in response to concerns last session. That is an amendment we were happy to make, but we are not open to categories beyond married couples for this vehicle, and respectfully ask for that discussion to be brought up in separate legislation if so desired.

This legislation is a top priority for me, and I am not going to give up this effort until we repeal this egregious defense to sex crimes. Marriage is something that should be encouraged, not sullied with the idea that you can drug and rape your wife or husband without repercussions, as long as you don't get charged with the underlying assault, which might be harder to prove, especially if they video taped the rape and not the drugging. A complete defense, is completely defenseless. We can't leave victims in this nightmare scenario.

Please join with me to support and finally pass SB33 this session. I respectfully request a favorable clean vote on SB33.