



Marjorie Cook Foundation

Domestic Violence Legal Clinic

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TESTIMONY IN SUPPORT WITH AMENDMENTS OF SENATE BILL 33

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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. House of Ruth has offices in Baltimore City, Baltimore County, Prince George’s County, and Montgomery County. Senate Bill 33 would repeal the spousal defense to rape. **We urge the House Judiciary Committee to strike the amendments added by the Senate, to amend SB 33 back to its original language, and to issue a favorable report on SB 33.**

Under current law, a person may not be prosecuted for rape or certain sexual offenses committed against a victim who is the perpetrator’s legal spouse. There are certain limited exceptions to the “spousal defense,” but only if the parties have obtained a limited divorce decree from a court, or if the parties have been separated for at least three months or under a written separation agreement, or the perpetrator used force or the threat of force.

The continued existence of the spousal defense to rape and other sexual offenses supports society’s view that spousal rape is somehow a less important crime than stranger or acquaintance rape. When conduct is criminalized, it sends a message to potential perpetrators and society that certain acts are unacceptable; when that same conduct is not criminalized, it sends a message that the conduct is tolerated. Such is the case with the spousal defense to rape – conduct that is criminalized, and therefore not tolerated, when it is committed against a stranger, is not criminalized, and therefore deemed acceptable, when it is committed against a spouse. This state of the law cannot be allowed to persist.

The spousal defense to rape is rooted in antiquated notions of women being the property of their husbands and irrevocably consenting to sex at the time of marriage. Although as a society our views have grown beyond these concepts, our laws have not. It is long past time to repeal the spousal defense to rape.

The House of Ruth urges the House Judiciary Committee to strike the Senate’s amendments, amend SB 33 back to its original language, and issue a favorable report.