



Bill No: **HB0153** (SB0033)

Title: **Criminal Law - Sexual Crimes - Repeal of Spousal Defense**

Committee: **Judiciary**

Hearing Date: **1/27/22**

Position: **SUPPORT**

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Business and Professional Women of Maryland (BPW/MD) is a non-partisan, non-sectarian, member-supported nonprofit focused on eliminating gender discrimination in employment, the principle of equal pay, and the need for a comprehensive equal rights amendment. Our mission is advanced through legislative advocacy, professional development, and public education. Founded in 1929, BPW/MD has advocated for workplace equality legislation at both the national and state level.

As an association of pro-equality Maryland citizens and part of a dedicated community of pro-equality partner organizations, BPW/MD fully supports repealing the archaic law Article - Criminal Law, Section 3-318, Annotated Code of Maryland. In the past, rape was often defined as forced sexual intercourse with a woman *not your wife*, reflecting the patriarchal historical views that marriage was a non-revocable and continual consent to sex and that a wife was a husband's property. Unlike many states, Maryland has not yet firmly rejected these fundamentally discriminatory concepts.

Legally equating marriage to sexual consent deprives adults of their bodily autonomy and infringes on fundamental freedoms. Civil rights guarantee "equal social opportunities and protection under the law,"<sup>1</sup> but Section 3-318 denies married partners the law's equal protections. Assault, stalking, homicide, and other crimes against a person are prosecuted without regard to marital status. Singling out sexual violence as a crime dependent on marital status is anomalous, without basis, and indefensible.

Section 3-318's roots in the antiquated notion that a wife is a husband's property is especially galling. Forty-nine percent of Maryland's workforce is female, and almost a third of that number are employed in society's most foundational industries: education and health care.<sup>2</sup> Women fuel Maryland's economy at every level and function as half of all heads of household,<sup>3</sup> contributing far more than mere property. With the unified voice and combined energy of all of its members, BPW/MD urges the Judiciary Committee to report favorably on House Bill 153.

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<sup>1</sup> Hamlin, Rebecca. "civil rights". Encyclopedia Britannica, 18 Aug. 2021, <https://www.britannica.com/topic/civil-rights>. Accessed 24 January 2022.

<sup>2</sup> Maryland Commission for Women. "Maryland Women: A Status Report." *Maryland Department of Human Services*, April 2021, [https://dhs.maryland.gov/documents/MD-Women-A-Status-Report\\_FIN-2.pdf](https://dhs.maryland.gov/documents/MD-Women-A-Status-Report_FIN-2.pdf).

<sup>3</sup> Goodman, Laurie; Hyung Choi, Jung; and Zhu, Jun. "More Women Have Become Homeowners and Heads of Household. Could the Pandemic Undo That Progress?" *Urban Wire*, the Urban Institute, March 16, 2021, <https://urbn.is/3G21NfU>.