



VICTIM SERVICES ADVISORY BOARD

March 9, 2023

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

Re: Support – SB 129 - 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 129, 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 living apart for three months, and incidents where there has been force or a threat of force. These legal exceptions do not consider spouses, usually women, who are forced to accept unwanted touching, forcible sex, or similar assaults simply because they are married to the perpetrator. Senate Bill 129 would eliminate these exceptions and would thus guarantee that marriage can never be used as a defense for sexual assaults.

VSAB advises the Montgomery County Council and County Executive on meeting the needs of crime victims. These include 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 Montgomery County HHS Trauma Services have continued to increase compared to the pre-pandemic period, with a 33% increase in service requests in FY 22 compared to FY21. Consistent with the increase in crime rates both in Montgomery County and nationally, the severity of cases has become more critical, with a substantial rise in homicides, domestic violence, sexual violence, and more reports of strangulations. For example, in FY22, Trauma Services received 37 homicide referrals and provided help to 44 individual surviving family members.

Victims of domestic violence often also experience sexual assault. Although victims may acknowledge they must leave the situation, frequently they are overcome with feelings of being trapped, isolated, and helpless. In many cases, emotional and financial factors play a major role in their decision to stay with their abuser. The appalling lack of a criminal remedy for sexual assault empowers abusive spouses, intimidates their victims, and motivates many victims to maintain their fearful silence. The continuing lack of a prosecutorial threat for sexual assault contributes to an environment of increased domestic violence across our state. Marriage should never be allowed to be 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 129.

Sincerely,

Wendy Ayala
VSAB Member

Department of Health and Human Services