

Testimony in SUPPORT of Senate Bill 129

(Repeal of Spousal Defense)

Judicial Proceedings Committee

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Chair Smith, Vice-Chair Waldstreicher and Members of the Senate Judicial Proceedings Committee:

The Tahirih Justice Center (Tahirih) is a non-profit legal advocacy organization that has served immigrant survivors of domestic violence, sexual assault, human trafficking, and other abuses since 1997.

Since 2010, Tahirih Justice Center's Baltimore office has been at the forefront of advocating for immigrant survivors of domestic violence and sexual assault. Tahirih has unique legal and policy expertise on legislative reforms to strengthen protections for survivors of sexual violence. Daily we learn from our clients across Maryland the struggles they face in seeking protection and help as survivors of spousal violence. It is on their behalf that I submit this written testimony today.

Rape and sexual assault are frequently part of the trauma history of spousal abuse survivors. Sexual violence is a primary tool that a perpetrator of abuse may use to dominate, control, and isolate their spouse into submission. The story of a survivor trying to report spousal rape to law enforcement and being ignored or dismissed because of the spousal defense is all too common amongst our clients. When the survivor has no recourse to seek protection because of the spousal defense to rape and sex offenses, the perpetrator succeeds in using sexual violence to silence their victim.

In the context of a sexual assault that occurs within marriage, a survivor's loved ones who would in other circumstances support and advocate for the survivor may instead turn a blind eye and in some cases normalize or excuse the rape as a normal part of marriage. By providing a spousal defense to sexual offenses, Maryland's current statute reinforces this normalization with the full weight of law.

The existing statute is particularly alarming in the context of providing equitable access to protection for non-English speaking survivors of sexual violence who come from cultures distrustful of law enforcement authorities, or whose abusive spouses threaten to call law enforcement to have them arrested or detained in an effort to further control their victim. For these survivors, the spousal defense creates an additional barrier to leaving an abusive environment. Removing this barrier will help non-English speaking survivors build trust with and seek help from law enforcement.

Repealing the spousal defense to sexual offenses would send an important message that a person's right to their own body does not end with marriage. This is an important public policy for any married person, but especially those who are struggling to escape intimate partner violence.

The Tahirih Justice Center asks this Committee to report SB 129 favorably.