



# Indivisible: Central Maryland

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## TESTIMONY FOR SB0129

### Criminal Law - Sexual Crimes - Repeal of Spousal Defense

**Bill Sponsor:** Senators Lee and Beidle

**Committee:** Judicial Proceedings

**Organization Submitting:** Indivisible Central Maryland

**Person Submitting:** Liz Enagonio and Susan Radke, lead advocates

**Position:** FAVORABLE

Our names are Liz Enagonio and Susan Radke, lead advocates for Indivisible Central Maryland, a grassroots organization of constituents dedicated to protecting progressive and democratic values. Indivisible Central Maryland **strongly supports SB0129.**

As the current law stands, a husband cannot be prosecuted for certain sexual crimes against his wife simply because they are married. This idea is an outdated and offensive holdover from times when women were considered their husband's property. The exact same act, if committed by an intimate partner that is also a co-habitant but not a spouse, could potentially carry a term of imprisonment, while the husband may face no penalty. This defense takes away the most precious right a woman has: the autonomy of her own body.

The argument has been made that repealing this Defense will require a husband to obtain consent for every sexual act or touch he performs on his wife to such an extreme that would require him to ask permission for a hug. However, this argument incorrectly assumes that a woman cannot give her husband broad and ongoing consent, which is common and expected in most relationships both intimate and platonic. This argument goes against all common sense. The argument has also been made that women will lie to gain revenge against a husband. Two rebuttals: 1) that is what the court system is for...to review testimony and evidence and make a decision; and 2) men lie. Men rape. If we made laws based on "what if" contingencies, we would probably have to get rid of ALL laws.

On behalf of the married women of Maryland, who deserve bodily autonomy equal to that of unmarried women, Indivisible Central Maryland **STRONGLY** supports SB0129, and recommends a **FAVORABLE** vote in committee.

**On behalf of our valued immigrant community, Indivisible Central Maryland STRONGLY SUPPORTS SB0806 and recommends a FAVORABLE report in committee. Thank you.**