

**Testimony Concerning SB 0129 Criminal Law – Sexual Crimes – Repeal of Spousal
Defense**

Submitted to the Senate Judicial Proceedings Committee

March 8, 2023

Position: FAVORABLE

Dear Senator Lee and members of the Senate,
I, Julia M. Guerra, a resident and registered Maryland voter, support SB 0129 which would repeal the spousal defense to sex crimes in the State of Maryland.

It is shocking that this barbaric law is still in effect in Maryland. Marriage is not a defense to sexual offenses that would be considered felonies outside of a marriage. Specifically allowing sexual activity with an incapacitated spouse is reprehensible. In January of this year a man from Calvert County was sentenced to 10yrs incarceration, required to serve only 1 year, with the other nine years suspended, followed by 3 years of supervised probation. This was following a guilty plea for 4th degree sexual assault. The State's Attorney Office was not able to prosecute for 2nd Degree Rape because the victim was his wife.

Had the parties been cohabitating rather than married this would not have been the case. To assume that marriage alone provides general consent to all sexual activities between spouses is antiquated and removes bodily autonomy. Sexual contact and intercourse with an incapacitated party regardless of marital status should be considered a criminal act.

I strongly urge the senate to vote in favor of SB 0129 to repeal Spousal Defense for sexual crimes.

Thank you for your consideration.
Julia Guerra