



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

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**Senate Bill 129 Criminal Law – Sexual Crimes – Repeal of Spousal Defense
Judicial Proceedings Committee – March 9, 2023
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2023 legislative session. WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials. WDC urges the passage of SB0129 to repeal marriage as a defense to ALL sex crimes.

Currently, Maryland Criminal Law §3-318 provides that, with limited exceptions, a person cannot be prosecuted for certain sexual crimes, including first- and second-degree rape and third- and fourth-degree sexual offenses, if the victim was the person's spouse at the time of the alleged offense. Yet, this same person can be tried for these same offenses if the parties are domestic partners, dating or in an otherwise non-marital relationship.

This leads to unfair and unconscionable disparities in the law. For example, why should a person who rapes their unconscious spouse of two months be given immunity under the law, while a person who rapes their unconscious domestic partner of decades is subject to full prosecution under the law? There should be parity under the law and NO exceptions to prosecution based solely on marital status. Notably, passage of SB0129 does not create a new crime. The bill simply removes a defense to rape by married persons that non-married persons already have and treats offenders equally regardless of their legal relationship to the victim. By passing this bill, the legislature will rectify the inconsistent application of laws to its citizens simply because of their marital status.

In addition, any amendment that would change the meaning of consent by redefining "sexual contact" for couples should be opposed. It is totally unreasonable to provide that people in relationships have less control over and legal protection for their own bodies than others. Including language that would make a person's relationship status relevant to determinations of consent and sexual contact would be a step backwards, not forward.

WDC strongly encourages the State of Maryland to allow prosecution based on ALL sexual crimes involving married people. Full repeal of Maryland's archaic law is a must; a partial repeal is unacceptable.

We ask for your support for SB0129 and strongly urge a favorable Committee report.

Diana E. Conway
WDC President

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WDC Advocacy Committee