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WRITTEN TESTIMONY

Senate Bill 129 - Criminal Law – Sexual Crimes – Repeal of Spousal Defense

Judiciary Committee – March 28, 2023

SUPPORT

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 Temple Beth Shalom
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 Zionist Organization of America
 Baltimore District

Background: Senate bill 129 (SB129) would repeal the law allowing marriage as a defense to sex crimes. Currently, Maryland law provides that marriage is a defense to most sex crimes, however in the cases of rape not by force and all fourth-degree sexual offenses, it is a complete defense. Like many states, Maryland's laws were based on the premise that marriage is consent to sex and, therefore, a man could not rape his wife. However, marriage should never be a defense to a sex crime.

Written Comments: The Baltimore Jewish Council represents the Associated Jewish Community Federation of Baltimore and its agencies, including CHANA. CHANA is a domestic violence, sexual abuse, and elder abuse agency that serves the citizens of Greater Baltimore. People in abusive marriages come to CHANA because they want to know their options and rights. What underlies all domestic violence is power and control. Our clients experience physical, sexual, psychological, financial, technological and spiritual abuse. Some are hit, kicked, and raped, while others are told daily that they are stupid and worthless. However, current Maryland law protections many abusers for sex crimes when the abuser is married to the victim. HB4 would create more protections for abuse victims by repealing marriage as a defense to sex crimes.

With this in mind, the Baltimore Jewish Council urges a favorable report on SB129.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated: Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.