

TESTIMONY IN SUPPORT OF BILL HB0004 - FAVORABLE
Criminal Law - Sexual Crimes - Repeal of Spousal Defense

TO: Chair Clippinger, Vice Chair Moon, and
members of the Judiciary Committee

FROM: Chris Apple
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In 2022, I joined other advocates calling for an immediate repeal of the “spousal defense” to sexual assault. I testified alongside attorneys and courageous survivors who talked about how they had suffered as a result of this loophole. I thought Maryland could not truly be a place where this was allowed to happen. But it became clear that this law has been enabling sexual abusers for years, and has failed survivors who come forward.

I knew that other Marylanders would share my outrage about this law. In October, I started a petition demanding an immediate repeal of this loophole, and began circulating it among registered voters.

People were shocked to learn that such a law could exist in Maryland. Though they didn’t know me, hundreds of voters signed when I knocked on their doors. Many volunteered to become circulators themselves. They wanted to unite to defeat this law, to live in a Maryland that protected survivors.

Many were survivors themselves. I was surprised when people began to share their stories with me - stories of repeated assaults by spouses, intimate partners, and family members. Assaults in the dead of night, while the victim was exhausted and delirious. Lasting scars of fear, isolation, and shame.

I felt the deep well of pain beneath this law. Strangers wrote me letters detailing years of abuse and violence they’d suffered. As I knocked on doors, it seemed like every other house revealed another story, another horror that someone had endured. But people were eager to help, even desperate to help. One signer was recovering from carpal tunnel surgery - she spent five agonizing minutes writing her name and address. “Don’t be sorry,” she said to me. “It’s a good cause.”

It became clear that the stories we see in the hearing room are just a few of the many spousal assaults Marylanders endure. Many suffer in silence. But when they do come forward, the justice system does not protect them. Instead, this law delivers them back into the homes of their abusers.

We need laws that liberate survivors. But so long as this law exists, we subjugate survivors. We send them the clear message that, when conditions are right, their spouses are entitled to unlimited sexual contact. With this law on the books, it must feel like the system is designed to *perpetuate* abuse. Repealing it will get us one step closer to uplifting Marylanders who need our help.

I undertook this effort because I needed the Judiciary Committee to see the opinions of their constituents. Providing testimony is not always a feasible option for folks, nonetheless, those people still have opinions. We only see a handful of advocates in the hearing room, but the reality is that many, many more people support an immediate repeal.

We must stop the cycle of violence and abuse. We must repeal this law.