



Bill No: HB4  
Title: Criminal Law – Sexual Crimes – Repeal of Spousal Defense  
Committee: Judiciary  
Hearing: January 19, 2023  
Position: SUPPORT

---

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **HB4 Criminal Law – Sexual Crimes – Repeal of Spousal Defense** is a priority on the [2023 MLAW Agenda](#) and we urge your support.

HB4 seeks to repeal the current statute that makes marriage a defense to some sex crimes. Sexual Assault disproportionately affects women. Like many states, Maryland’s laws were based on the premise that marriage was consent to sex and that, therefore, a man could not rape his wife. Unlike many states, Maryland has not yet firmly rejected that antiquated and fundamentally disrespectful concept.

Criminal Law §3-318 provides that marriage is a defense to certain sex crimes. We have made some progress: Spouses can be prosecuted for any sex crime if they have a limited divorce or for some sex crimes if they have been separated for three months or have a written separation agreement. Finally, if the rape involved actual force or threat of force, marriage is not a defense. **For other sex crimes, marriage is a complete defense.** This bill repeals Criminal Law §3-318. Marriage should never be a defense to a sex crime.

**For these reasons, MLAW strongly urges the passage of HB4.**

## MLAW 2023 Supporting Organizations

The following organizations have signed on in support of our 2023 Legislative Agenda\*:

AAUW Anne Arundel County  
AAUW Howard County  
AAUW MD  
Advocacy and Training Center  
Allegany County Women's Action Coalition  
Anne Arundel County NOW  
Aspire Ascend  
Baltimore County Democratic State Central Committee  
Bound for Better  
Business and Professional Women of Maryland  
Drake Institute of Women's Policy  
Empowered Women in Business International  
For All Seasons, Inc.  
Kensington-Rockville AAUW  
Maryland Commission for Women  
Maryland WISE Women  
Miller Partnership Consultants LLC  
MoCoWoMen  
Montgomery County Business & Professional Women (MC BPW)  
Montgomery County Chapter, National Organization for women  
Montgomery County Women's Democratic Club  
National Coalition of 100 Black Women, Prince George's County Chapter  
Planned Parenthood of Maryland  
Planned Parenthood of Metropolitan Washington, DC  
Reproductive Justice Inside  
Southern Prince George's Business and Professional Women  
Women's Democratic League of Frederick County  
Women's Equity Center and Action Network (WE CAN)  
Women's Law Center of Maryland  
Zonta Club of Annapolis

*\*as of 1/16/2023*

**Maryland Legislative Agenda for Women**  
305 W. Chesapeake Avenue, Suite 201 • Towson, MD 21204 • 443-519-1005 phone/fax  
[mdlegagenda4women@yahoo.com](mailto:mdlegagenda4women@yahoo.com) • [www.mdlegagendaforwomen.org](http://www.mdlegagendaforwomen.org)