



**Working to end sexual violence in Maryland**

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**Testimony Supporting House Bill 406**  
**Lisae C. Jordan, Executive Director & Counsel**  
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on House Bill 406.

**House Bill 406 - Marital Communications**

House Bill 406 would provide that a spouse may, but does not have to, reveal a confidential communication made by the other spouse if the other spouse has committed a crime against them. MCASA supports House Bill 406 because it places the power in the hands of the victim-survivor spouse if they choose to reveal a confidential communication.

Under current law, if a person commits crime against their spouse (including rape), and then admits to the sexual assault in communications with their spouse, the admission is considered a private communication between the married parties and the rapist-criminal defendant can bar the victim from testifying to what the defendant said. Courts & Judicial Proceedings §9-105. Current law limits a claim of spousal privilege to one time for cases involving assault, however, this perversely does not apply when the underlying charge is rape unless the sex crimes charged are dropped in favor of an assault charge. §9-106. HB406 would allow the victim spouse to testify about a spousal communication when their spouse committed any crime against them. Importantly, HB406 makes clear to prosecutors that the power is held in the hands of the victim and they cannot be compelled to testify. The marital privilege remains in effect for all other communications.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on House Bill 406**