

KAREN SIMPSON
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Judiciary Committee



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Favorable: HB 406 - Marriage - Confidential Communication - Criminal Charge

Hearing on 03/21/2024 at 1:00pm

To: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

The purpose of HB 406 - Marriage - Confidential Communication - Criminal Charge is to permit, not require, a spouse to disclose marital communication when one spouse is charged with a crime against the other spouse.

The current Maryland code, which has remained unchanged since 1973, states that a spouse is not “competent” to disclose any confidential communication between spouses during their marriage making any communication, including disclosures of crime against the other, inadmissible in a court of law.

HB 406 rectifies this by codifying that a spouse, who is an alleged victim of a crime against them by their spouse, is considered competent to disclose confidential communications that occurred during their marriage if they choose to share. Please note, that this bill does not require (compel) the victim to disclose confidential communications between them and their spouse.

Last year, this body repealed the spousal defense, affirming that our state stands with all victims, even those victimized in their own marriage. Despite this, Maryland is one of only nine other states that do not have this exception codified in statute regarding spousal confidential communication.

Oftentimes, abusers will communicate their intent to harm or express their regrets after the fact. By permitting this exception, we not only create a safer environment for individuals impacted by intimate partner violence but also recognize that justice must take precedence when the inherent safety in a marriage is violated.

In conclusion, I strongly request a favorable report of HB 406 - Marriage - Confidential Communication - Criminal Charge to empower victims through our legal system. Thank you for your time and consideration.

Respectfully Yours,

A handwritten signature in blue ink, appearing to read "Karen Simpson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Delegate Karen Simpson
Legislative District 3 - Frederick County