



The Honorable Luke Clippinger & Members of the House Judiciary Committee
Taylor House Office Building, Room 101
6 Bladen St., Annapolis, MD 21401

Dear Chairperson Clippinger and Judiciary Committee,

The Frederick County Domestic Violence Coordinating Council (DVCC) writes in support of House Bill 406: Marriage—Confidential Communication—Criminal Charge. The Frederick County DVCC is a multidisciplinary public board, formed in 2020, to increase collaboration and communication among criminal and civil justice stakeholders, service providers, and community members with the goal of reducing and preventing domestic violence in Frederick County.

The DVCC is in support of House Bill 406. Currently, Maryland is one of only a *few* states that *does not* have an exception to the marital communications privilege for a crime committed against the other spouse. In practice, this means that an offending spouse can *prohibit* their victim from testifying in a Court of law as to confessions, apologies, or other acknowledgments of violence they committed. In crimes such as marital rape and domestic assault, these communications are critical pieces of evidence of brutal crimes that most often occur behind closed doors--with no witnesses other than the perpetrator and victim. To allow an offender to keep their confessions and relevant communications from the judge or jury is unjust. A marital communications privilege without a crime exception is archaic and the privilege statute must be modernized to reflect the reality of marital violence.

We urge a favorable report on HB 406.

Brett Engler, Esq.
Frederick County State's Attorney's Office
Chair, Frederick County DVCC