

BILL NO: Senate Bill 0142
TITLE: Marriage – Confidential Communication – Criminal Charge
COMMITTEE: Judicial Proceedings
HEARING DATE: January 16, 2025
POSITION: **SUPPORT**

Senate Bill 0142 amends Section 9–105 of the Annotated Code of Maryland to include former spouses for purposes of the disclosure of confidential communications occurring during marriage. This means that a former 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. The Women’s Law Center (WLC) supports Senate Bill 0142 as it places the power in the hands of the victim spouse if they choose to reveal confidential communication.

Under current law, if an abusive spouse commits an act of abuse against their spouse during marriage, and then apologizes to the victim or admits to the abuse in communications with them, the apology or admission is considered a private communication between the married parties and the criminal defendant can bar the victim from testifying to what the defendant said. SB0142 would allow the victim spouse to testify about the apology, etc. – any communication related to the crime committed by the abusive spouse against the victim spouse. The language makes clear to all prosecutors that the power is held in the hands of the victim, and they cannot be compelled to testify even after the cessation of their marriage.

Part of the cycle of abuse is when the abuser has remorse and promises not to do it again, and the abuser often asks for forgiveness or apologizes. This is evidence that the act occurred. A victim's spouse should be given the choice on whether or not to testify about these communications but should not be compelled to do so regardless if the marriage is still intact.

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on Senate Bill 0142.

The Women’s Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.