



BILL NO: Senate Bill 142
TITLE: Marriage – Confidential Communication – Criminal Charge
COMMITTEE: Judicial Proceedings
HEARING DATE: January 16, 2025
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 142.**

Senate Bill 142 would empower a victim spouse to waive the marital privilege and testify against their spouse if they choose to do so. The marital privilege is intended to protect the privacy of communications between married persons. The bill specifies that under § 9-105 of the Courts and Judicial Proceedings Article, “spouse” includes a former spouse. The traditional privacy concepts that are thought of in a marriage are inappropriate and could even be dangerous in marriages where one spouse is abusive to the other spouse. According to testimony offered last year, only 5 states do not have what this bill would do.

Under current law, if an assault is committed by one spouse against another, and the abusive spouse apologizes to the victim or admits to the abuse, 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. Abusive spouses should not be able to use the marital privilege to silence their victims or hide from criminal prosecution when the victim is the defendant’s own spouse. Senate Bill 142 would allow a victim to testify about the communications related to the actual crime committed against the victim. The victim retains the autonomy to decide whether they testify. The marital privilege remains in effect for all other communications.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 142.**

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