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Judiciary Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Favorable: HB 241 – Marriage – Confidential Communications

Hearing on 1/23/2025 at 11:00am

To: Chair Clippinger, Vice Chair Bartlett and my Fellow Members of the Judiciary Committee

The objective of HB 241 – Marriage – Confidential Communications is to permit, but not require, a spouse (including a former spouse) to disclose confidential marital communications between spouses if such communications are pertinent to criminal charges.

This bill was introduced in 2024, and passed the house in the same posture.

The current Maryland code, which has not been amended since 1973, stipulates that a spouse is not considered "competent" to disclose any confidential communication exchanged during the marriage. This provision effectively prevents a spouse who is a victim from testifying in a court of law regarding confessions, apologies, or other admissions of wrongdoing committed by their partner.

HB 241 addresses this issue by establishing that a spouse who is an alleged victim is competent to disclose confidential communications that occurred during the marriage in a criminal context, should they choose to do so. However, the bill does not compel the victim to share such confidential communications.

In recent years, this legislative body has repealed the spousal defense, reaffirming the state's commitment to supporting all victims, including those who have suffered harm within their marriages. Nevertheless, Maryland remains one of only nine states that lack an exception for spousal confidential communication.

Frequently, abusers will communicate their intentions to harm or express remorse following violent incidents. In cases such as marital rape and domestic assault, these communications represent vital evidence concerning crimes that occur out of the public eye. By introducing this exception, we not only enhance the safety of individuals affected by intimate partner violence but also affirm that the pursuit of justice must take precedence when the fundamental safety of a marriage is compromised.

In conclusion, I respectfully request a favorable report for HB 241 – Marriage – Confidential Communications – Criminal Charge to empower victims within our legal framework. Thank you for your attention and consideration.