

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 281
Judiciary

(Delegate Dumais)

Judicial Proceedings

Crimes - Adultery - Repeal

This bill repeals the crime of adultery under § 10-501 of the Criminal Law Article.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Section 10-501 of the Criminal Law Article prohibits a person from committing adultery. A violator is guilty of a misdemeanor, punishable by a fine of \$10.

Background: According to the Judiciary, there were three violations and no guilty dispositions for adultery in the District Court during fiscal 2018.

As of January 2018, 19 states, including Maryland, have statutes criminalizing adultery. The statutes vary with respect to criteria, classification of the crime, and penalties. **Exhibit 1** lists the states with these statutes.

Exhibit 1
States with Statutes Criminalizing Adultery*

Alabama	Minnesota
Arizona	Mississippi
Florida	New York
Georgia	Oklahoma
Idaho	Rhode Island
Illinois	South Carolina
Kansas	Utah
Maryland	Virginia
Massachusetts	Wisconsin
Michigan	

* As of January 2018, North Carolina and Kentucky also have statutes relating to adultery. North Carolina's statute appears to have been ruled unconstitutional. Kentucky's statute appears to apply to civil actions.

Source: Department of Legislative Services

Additional Information

Prior Introductions: HB 267 of 2018 passed the House and received a hearing in the Senate Judicial Proceedings Committee. No further action was taken on the bill.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2019
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