

HOUSE BILL 289

D3, E2

0lr1843

By: **Delegates Lehman, Anderson, Arikan, Attar, Atterbeary, B. Barnes, D. Barnes, Bartlett, Dumais, W. Fisher, Guyton, Ivey, Lopez, Moon, Pena–Melnyk, Proctor, Shetty, and Terrasa**

Introduced and read first time: January 20, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence – Testimony by Spouse – Violation of Protective Order**

3 FOR the purpose of providing that the spouse of a person on trial for a violation of a certain
4 protective order may be compelled to testify as an adverse witness under certain
5 circumstances; providing for the application of this Act; and generally relating to
6 spousal testimony.

7 BY repealing and reenacting, with amendments,

8 Article – Courts and Judicial Proceedings

9 Section 9–106(a)

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2019 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Courts and Judicial Proceedings**

15 9–106.

16 (a) The spouse of a person on trial for a crime may not be compelled to testify as
17 an adverse witness unless the charge involves:

18 (1) The abuse of a child under 18; [or]

19 (2) Assault in any degree in which the spouse is a victim if:

20 (i) The person on trial was previously charged with assault in any

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 degree or assault and battery of the spouse;

2 (ii) The spouse was sworn to testify at the previous trial; and

3 (iii) The spouse refused to testify at the previous trial on the basis of
4 the provisions of this section; **OR**

5 **(3) A VIOLATION OF A PROTECTIVE ORDER UNDER § 4-509 OF THE**
6 **FAMILY LAW ARTICLE IN A PROCEEDING IN WHICH:**

7 **(I) THE SPOUSE IS THE PETITIONER; AND**

8 **(II) THE PERSON ON TRIAL IS ALLEGED TO HAVE VIOLATED THE**
9 **PROTECTIVE ORDER BY COMMITTING OR THREATENING TO COMMIT AN ACT OF**
10 **ABUSE AS DEFINED IN § 4-501 OF THE FAMILY LAW ARTICLE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
12 apply only prospectively and may not be applied or interpreted to have any effect on or
13 application to any violation of a protective order occurring before the effective date of this
14 Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2020.