

# HOUSE BILL 590

E1  
HB 958/19 – JUD

0lr0379  
CF SB 230

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By: **Delegates Crutchfield, Arian, Atterbeary, B. Barnes, Barron, Bartlett, Charkoudian, Crosby, Cullison, D.M. Davis, Dumais, Ebersole, Feldmark, W. Fisher, Forbes, Gilchrist, Grammer, Griffith, Guyton, Henson, Hettleman, Kelly, Korman, J. Lewis, R. Lewis, Lopez, Love, McIntosh, Moon, Palakovich Carr, Patterson, Pippy, Queen, Reznik, Shetty, Smith, Terrasa, Valderrama, and Valentino-Smith**

Introduced and read first time: January 27, 2020

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Crimes – Repeal of Spousal Defense**  
3 **(Love Is No Defense to Sexual Crimes)**

4 FOR the purpose of repealing a certain prohibition on prosecuting a person for rape or a  
5 certain sexual offense against a victim who was the person’s legal spouse at the time  
6 of the alleged rape or sexual offense; and generally relating to sexual crimes.

7 BY repealing

8 Article – Criminal Law

9 Section 3–318

10 Annotated Code of Maryland

11 (2012 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 – Criminal Law**

15 **[3–318.**

16 (a) Except as provided in subsections (b) and (c) of this section, a person may not  
17 be prosecuted under § 3–303, § 3–304, § 3–307, or § 3–308 of this subtitle for a crime against  
18 a victim who was the person’s legal spouse at the time of the alleged rape or sexual offense.

19 (b) A person may be prosecuted under § 3–303(a), § 3–304(a)(1), or § 3–307(a)(1)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of this subtitle for a crime against the person's legal spouse if:

2 (1) at the time of the alleged crime the person and the person's legal spouse  
3 have lived apart, without cohabitation and without interruption:

4 (i) under a written separation agreement executed by the person  
5 and the spouse; or

6 (ii) for at least 3 months immediately before the alleged rape or  
7 sexual offense; or

8 (2) the person in committing the crime uses force or threat of force and the  
9 act is without the consent of the spouse.

10 (c) A person may be prosecuted under § 3-303, § 3-304, § 3-307, or § 3-308 of  
11 this subtitle for a crime against the person's legal spouse if at the time of the alleged crime  
12 the person and the spouse live apart, without cohabitation and without interruption, under  
13 a decree of limited divorce.]

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2020.