

SENATE BILL 230

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0lr1481
CF 0lr0379

By: **Senators Lee, Beidle, Benson, Eckardt, Elfreth, Griffith, Hester, Kagan, King, Lam, Salling, Smith, Sydnor, Waldstreicher, Washington, West, Young, and Zucker**

Introduced and read first time: January 17, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Crimes – Repeal of Spousal Defense**

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

6 BY repealing

7 Article – Criminal Law

8 Section 3–318

9 Annotated Code of Maryland

10 (2012 Replacement Volume and 2019 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Criminal Law**

14 [~~3–318.~~

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

18 (b) A person may be prosecuted under § 3–303(a), § 3–304(a)(1), or § 3–307(a)(1)
19 of this subtitle for a crime against the person’s legal spouse if:

20 (1) at the time of the alleged crime the person and the person’s legal spouse
21 have lived apart, without cohabitation and without interruption:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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