

Chapter 486

(House Bill 210)

AN ACT concerning

Criminal Trials – Spousal Privilege – Exception

FOR the purpose of providing that the spouse of a person on trial for a crime may be compelled to testify as an adverse witness if the spouse and the person on trial married after the date on which the alleged crime for which the person is on trial occurred; and generally relating to spousal testimony in criminal trials.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 9–106(a)
 Annotated Code of Maryland
 (2020 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings

9–106.

(a) The spouse of a person on trial for a crime may not be compelled to testify as an adverse witness unless **[the]**:

(1) THE charge involves:

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

[(2)] (II) Assault in any degree in which the spouse is a victim if:

[(i)] 1. The person on trial was previously charged with assault in any degree or assault and battery of the spouse;

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

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

(2) THE PERSON ON TRIAL AND THE SPOUSE MARRIED AFTER THE DATE ON WHICH THE ALLEGED CRIME FOR WHICH THE PERSON IS ON TRIAL OCCURRED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.