

HOUSE BILL 210

E2
HB 64/20 – JUD

2lr1907

By: **Delegate Grammer**

Introduced and read first time: January 13, 2022

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 1, 2022

CHAPTER _____

1 AN ACT concerning

2 **Criminal Trials – Spousal Privilege – Exception**

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

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 9–106(a)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2021 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]**:

18 **(1) THE** charge involves:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.