

Chapter 146

(Senate Bill 142)

AN ACT concerning

Marriage – Confidential Communication

FOR the purpose of clarifying that “spouse” includes a former spouse for purposes of disclosure of confidential communications occurring during marriage; establishing that a certain spouse is competent to disclose a certain confidential communication in a criminal action in which one spouse is charged with a crime against the other spouse; and generally relating to confidential communications occurring during marriage.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–105
Annotated Code of Maryland
(2020 Replacement Volume and 2024 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

9–105.

(A) IN THIS SECTION, “SPOUSE” INCLUDES A FORMER SPOUSE.

(B) [One] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ONE spouse is not competent to disclose any confidential communication between the spouses occurring during their marriage.

(C) (1) A SPOUSE WHO IS THE ALLEGED VICTIM IS COMPETENT TO DISCLOSE A CONFIDENTIAL COMMUNICATION BETWEEN SPOUSES OCCURRING DURING THEIR MARRIAGE IN A CRIMINAL ACTION IN WHICH ONE SPOUSE IS CHARGED WITH A CRIME AGAINST THE OTHER SPOUSE.

(2) A SPOUSE MAY NOT BE COMPELLED TO TESTIFY TO A CONFIDENTIAL COMMUNICATION UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, April 22, 2025.