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WRITTEN TESTIMONY

House Bill 147 - Criminal Law – Sexual Crimes – Repeal of Spousal Defense

Judiciary Committee - January 14, 2021

SUPPORT

Background: House Bill 147, (HB147) would repeal the law allowing marriage as a defense to sex crimes. Currently, criminal Law §3-318 provides that marriage is a defense to certain sex crimes. Like many states, Maryland's laws were based on the premise that marriage was consent to sex and that, therefore, a man could not rape his wife. While we have made some progress, including repealing marriage as a defense in a limited divorce or separation, for other sex crimes, marriage is a complete defense. However, marriage should never be a defense to a sex crime.

Written Comments: The Baltimore Jewish Council represents the Associated Jewish Community Federation of Baltimore and its agencies, including CHANA. CHANA is a domestic violence, sexual abuse, and elder abuse agency that serves the citizens of Baltimore County and City. People in abusive marriages come to CHANA because they want to know their options and rights. What underlies all domestic violence is power and control. Our clients experience physical, sexual, psychological, financial, technological and spiritual abuse. Some are hit, kicked, and raped, while others are told daily that they are stupid and worthless. However, current Maryland law protections many abusers for sex crimes when the abuser is married to the victim. HB147 would create more protections for abuse victims by repealing marriage as a defense to sex crimes.

With this in mind, the Baltimore Jewish Council urges a favorable report on HB147.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated: Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

BALTIMORE JEWISH COUNCIL

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