



VICTIM SERVICES ADVISORY BOARD

January 14, 2021

The Honorable Luke Clippinger
Chair, House Judiciary Committee
Room 101, House Office Building
Annapolis, Maryland 21401

Re: Support - HB147 – Criminal Law - Sexual Crimes - Repeal of Spousal Defense (Love Is No Defense to Sexual Crimes)

Dear Chairman Clippinger:

House Bill 147 repeals criminal law that allows marriage to be used as a defense to some sex crimes. Current law limits the circumstances under which an individual can be prosecuted for sexual violence against their spouse. These include when the parties have a limited divorce, a written separation agreement, have been separated and apart for three months or in rape involving force or threat of force. These exceptions do not recognize spouses, usually women, who are forced to endure unwanted touching, forcible sex or any similar assault just because they are married, or who, for physical or mental reasons, are incapacitated. House Bill 147 would eliminate such exceptions, and ensure that marriage can never be a defense to sexual assaults.

The Montgomery County Victim Services Advisory Board (VSAB) advises the County Council and County Executive on assisting the needs of victims of a broad range of violent crimes, including rape, domestic violence, sexual assault and human trafficking. The number and severity of sexual assault and domestic violence cases referred to the Montgomery County HHS Victim Assistance and Sexual Assault Program and the Abused Persons Program increased substantially in one year when comparing 2019 and 2020 intake data. The Montgomery County Police also reported concerns with an increase in violence in 2020 when investigating domestic violence calls. (<https://wtop.com/montgomery-county>, Oct. 16, 2020)

Victims of domestic violence often also experience sexual assault. Women who find themselves in abusive marriages often feel trapped, isolated and helpless. No criminal remedy for sexual assault emboldens the abusive behavior of spouses, intimidates victims and forces more victims to remain silent. Lack of prosecutorial threat for sexual assault contributes to a system of increased domestic violence. Marriage should never be allowed to be used as a defense to sexual assault.

VSAB asks the committee to issue a favorable report on House Bill 147.

Sincerely,

Kathryn Pontzer & Juanita Rogers
VSAB Co-chairs

Department of Health and Human Services