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TESTIMONY IN SUPPORT OF HOUSE BILL 1418 AS AMENDED

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House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George’s County, and Montgomery County. House Bill 1418 as amended, allows, but does not compel, a spouse to disclose a confidential communication between the spouses that occurred during their marriage in a criminal action in which one spouse is charged with a crime against the other spouse. **We urge the House Judiciary Committee to issue a favorable report on House Bill 1418 as amended.**

Under current law, if an assault is committed by one spouse against another, and the abusive spouse apologizes to the victim or admits to the abuse, the apology or admission is considered a private communication between the married parties and the criminal defendant can bar the victim from testifying to what the defendant said. HB 1418, as amended, would allow, but not compel, the victim to testify about the communications related to the actual crime committed against the victim. The marital privilege remains in effect for all other communications.

The purpose behind the so-called “marital privilege” is to support and protect the privacy of communications between married persons. This support for privacy within the marriage is inappropriate and even dangerous in marriages where one spouse is abusive to the other spouse. Abusive spouses should not be able to use the marital privilege to silence their victims or hide from criminal prosecution when the victim is the defendant’s own spouse.

The House of Ruth urges a favorable report on House Bill 1418 as amended.