



**Working to end sexual violence in Maryland**

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**Testimony Supporting House Bill 1418 with Sponsor Amendments**  
**Lisae C. Jordan, Executive Director & Counsel**  
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 1418 with sponsor amendments.

**House Bill 1418 – Marital Privilege**

This bill allows spouses who are victims of a crime committed by their spouse to testify about spousal communications, including those related to the crime. Sponsor amendments make it clear that this applies only to the spouse who is a victim and also that the spouse may not be compelled to testify.

Current law permits invocation of spousal privilege when there is a charge of assault once. After that, the privilege is no longer available. Cts & Jud §9-106. Perversely, this means that a spouse who has been raped by a spouse always has spousal privilege. As a result, if a spouse has been a victim of assault and there was an invocation of spousal privilege and then there is a second assault involving rape, the charge must be reduced to assault in order to prevent invocation of the privilege in the second case. House Bill 1418 would permit the rape survivor in this case to testify if she or he chose to.

In addition to addressing the issues specific to sex crimes law, permitting a spouse to decide whether or not to testify will empower the victim of crime and help end the cycle of abuse. Domestic violence thrives on secrecy and House Bill 1418 will help shine light on violence and give survivors support if they choose to use the criminal justice system.

**The Maryland Coalition Against Sexual Assault urges  
the Judiciary Committee to report favorably on  
House Bill 1418 with Sponsor Amendments**