



ANTHONY B. COVINGTON

State's Attorney for Charles County

March 29, 2022

Maryland House Judiciary Committee
Luke Clippinger, *Chair*
House Office Building, Room 101
Annapolis, MD 21401 – 1991

Re: Favorable Report for House Bill 1418

Dear Chairman Clippinger and Members of the Committee:

One in three women and one in four men have experienced some form of physical violence by an intimate partner and intimate partner violence accounts for 15% of all violent crime in this country. Intimate partner violence often contains elements of emotional and economic abuse against a partner or spouse. (NCADV.org)

In many of these cases the abusing spouse communicates either their intent to commit harm (threats, intimidation, etc) or their regret after committing the harm (apologies). As it stands right now, these communications are unable to be admitted in a court of law if the abusing spouse asserts their marital communications privilege. It is important to note that this privilege only exists for married couples. If the couple was dating or living together these statements would be admissible.

This prohibition on admission of marital communications is another form of abuse or re-traumatization for survivors who are wanting to seek protection from the courts and are then told their evidence is not admissible. Further this prohibition continues the power and control dynamic of abuse by allowing the abuser to determine if the communications can be admitted. Many times I have had an intimate partner violence case where the abuser has sent text messages of threats to harm or kill the victim which is followed by an actual assault. These text messages which clearly outline the abusers intent are barred from admission in court. Voice mails containing apologies for abuse are barred from admission, merely because a couple is married.

When a survivor of intimate partner violence wishes to proceed with criminal prosecution they should not be barred from presenting evidence of the abuse based on communications with their abuser. This bill does not allow a victim/survivor to be compelled to testify regarding these communications it merely places the marital communications privilege in the hands of the victim/survivor spouse, helping to balance the power and control dynamic of abuse.

I urge a favorable return of this bill.

Thank you,

K.A. Marsh

Kathryn A. Marsh
Special Victims Liaison, Assistant State's
Attorney