



BILL NO: House Bill 406
TITLE: Marriage – Confidential Communication – Criminal Charge
COMMITTEE: Judiciary
HEARING DATE: February 15, 2024
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue a favorable report on HB 406.**

House Bill 406 would empower a victim spouse to waive the marital privilege and testify against their spouse if they choose to do so. The marital privilege is intended to protect the privacy of communications between married persons. However, this privacy within the marriage is inappropriate and could even be dangerous in marriages where one spouse is abusive to the other spouse.

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. 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. HB 405 would allow a victim to testify about the communications related to the actual crime committed against the victim. The victim retains the autonomy to decide whether they testify. The marital privilege remains in effect for all other communications.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 406.**