

HOUSE BILL 241

E2
HB 406/24 – JUD

(PRE-FILED)

5lr1258
CF SB 142

By: **Delegate Simpson**

Requested: October 17, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Marriage – Confidential Communication**

3 FOR the purpose of clarifying that “spouse” includes a former spouse for purposes of
4 disclosure of confidential communications occurring during marriage; establishing
5 that a certain spouse is competent to disclose a certain confidential communication
6 in a criminal action in which one spouse is charged with a crime against the other
7 spouse; and generally relating to confidential communications occurring during
8 marriage.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 9–105
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 9–105.

18 **(A) IN THIS SECTION, “SPOUSE” INCLUDES A FORMER SPOUSE.**

19 **(B) [One] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ONE**
20 spouse is not competent to disclose any confidential communication between the spouses
21 occurring during their marriage.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) (1) A SPOUSE WHO IS THE ALLEGED VICTIM IS COMPETENT TO**
2 **DISCLOSE A CONFIDENTIAL COMMUNICATION BETWEEN SPOUSES OCCURRING**
3 **DURING THEIR MARRIAGE IN A CRIMINAL ACTION IN WHICH ONE SPOUSE IS**
4 **CHARGED WITH A CRIME AGAINST THE OTHER SPOUSE.**

5 **(2) A SPOUSE MAY NOT BE COMPELLED TO TESTIFY TO A**
6 **CONFIDENTIAL COMMUNICATION UNDER THIS SUBSECTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.