

HOUSE BILL 590

E1
HB 958/19 – JUD

0lr0379
CF SB 230

By: **Delegates Crutchfield, Arikan, Atterbeary, B. Barnes, Barron, Bartlett, Charkoudian, Crosby, Cullison, D.M. Davis, Dumais, Ebersole, Feldmark, W. Fisher, Forbes, Gilchrist, Grammer, Griffith, Guyton, Henson, Hettleman, Kelly, Korman, J. Lewis, R. Lewis, Lopez, Love, McIntosh, Moon, Palakovich Carr, Patterson, Pippy, Queen, Reznik, Shetty, Smith, Terrasa, Valderrama, and Valentino-Smith**

Introduced and read first time: January 27, 2020

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 25, 2020

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Sexual Crimes – Repeal of Spousal Defense**
3 **(Love Is No Defense to Sexual Crimes)**

4 FOR the purpose of repealing a certain prohibition on prosecuting a person for rape or a
5 certain sexual offense against a victim who was the person’s legal spouse at the time
6 of the alleged rape or sexual offense; and generally relating to sexual crimes.

7 BY repealing

8 Article – Criminal Law

9 Section 3–318

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2019 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Criminal Law**

15 **[3–318.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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1 (a) Except as provided in subsections (b) and (c) of this section, a person may not
2 be prosecuted under § 3–303, § 3–304, § 3–307, or § 3–308 of this subtitle for a crime against
3 a victim who was the person’s legal spouse at the time of the alleged rape or sexual offense.

4 (b) A person may be prosecuted under § 3–303(a), § 3–304(a)(1), or § 3–307(a)(1)
5 of this subtitle for a crime against the person’s legal spouse if:

6 (1) at the time of the alleged crime the person and the person’s legal spouse
7 have lived apart, without cohabitation and without interruption:

8 (i) under a written separation agreement executed by the person
9 and the spouse; or

10 (ii) for at least 3 months immediately before the alleged rape or
11 sexual offense; or

12 (2) the person in committing the crime uses force or threat of force and the
13 act is without the consent of the spouse.

14 (c) A person may be prosecuted under § 3–303, § 3–304, § 3–307, or § 3–308 of
15 this subtitle for a crime against the person’s legal spouse if at the time of the alleged crime
16 the person and the spouse live apart, without cohabitation and without interruption, under
17 a decree of limited divorce.】

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.