

# HOUSE BILL 406

E2

4lr1940

---

By: **Delegates Simpson, Guzzone, Kaufman, Lehman, McCaskill, Wilkins, and Woods**

Introduced and read first time: January 18, 2024

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2024

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Marriage – Confidential Communication – ~~Criminal Charge~~**

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 2023 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.**

---

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.



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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.