

CHAPTER 572

(Senate Bill 808)

AN ACT to repeal and re-enact, with amendments, Section 24 of Article 16 of the Annotated Code of Maryland (1969 Supplement), title "Chancery," subtitle "Divorce and Annulment," to provide as the basis for a final divorce the sentencing of an individual to an indeterminate term after eighteen months of this sentence has been served.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 24 of Article 16 of the Annotated Code of Maryland (1969 Supplement), title "Chancery," subtitle "Divorce and Annulment," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

24.

Upon a hearing of any bill for a divorce, the court may decree a divorce a vinculo matrimonii for the following causes, to wit: First, the impotence of either party at the time of the marriage; secondly, for any cause which by the laws of this State, render a marriage null and void ab initio; thirdly, for adultery; fourthly, when the court shall be satisfied by competent testimony that the party complained against has abandoned the party complaining, and that such abandonment has continued uninterruptedly for at least eighteen months, and is deliberate and final, and the separation of the parties beyond any reasonable expectation of reconciliation; fifthly, when the husband and wife shall have voluntarily lived separate and apart, without any cohabitation, for eighteen consecutive months prior to the filing of the bill of complaint, and such separation is beyond any reasonable expectation of reconciliation; sixthly, when the party complained against has been convicted of a felony or misdemeanor under the laws of this State or of any other state in the United States and has been sentenced to serve at least three years or AN *indeterminate sentence* in any penitentiary or penal institution eighteen months of which sentence has been served; seventhly, on the application of either party when the husband and wife have lived separate and apart without any cohabitation and without interruption for five years. A plea of res adjudicata or of recrimination with respect to any other provisions of this section shall not be a bar to either party obtaining a divorce on this seventh ground. When a divorce is granted on this seventh ground, the court, in the absence of a bona fide property division agreement between the parties, which it may exercise on the application of either party, may divide and distribute between the parties, all their property, real, personal or mixed, over which the court has jurisdiction. The amount and proportion of the property to be divided and distributed shall be in the sound discretion of the court as just and equitable considering all the circumstances of the case.

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1970.

Approved May 5, 1970