

AGAINST THE PERSON'S LEGAL SPOUSE IF THE PERSON AND THE PERSON'S LEGAL SPOUSE HAVE LIVED SEPARATE AND APART WITHOUT COHABITATION AND WITHOUT INTERRUPTION:

(1) PURSUANT TO A WRITTEN SEPARATION AGREEMENT EXECUTED BY BOTH THE PERSON AND THE PERSON'S LEGAL SPOUSE; OR

(2) FOR AT LEAST 6 MONTHS IMMEDIATELY BEFORE THE COMMISSION OF THE ALLEGED RAPE OR SEXUAL OFFENSE.

(C) (1) A PERSON MAY BE PROSECUTED FOR AN OFFENSE, DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, AGAINST THE PERSON'S LEGAL SPOUSE IF:

{i} THE PERSON USES FORCE AGAINST THE WILL AND WITHOUT THE CONSENT OF THE PERSON'S LEGAL SPOUSE; AND

{ii} ~~WITHIN 90 DAYS AFTER THE TIME OF THE COMMISSION OF THE ALLEGED RAPE OR SEXUAL OFFENSE, THE OFFENSE IS REPORTED TO:~~

~~1. A POLICE OFFICER WHO HAS THE POWER TO ARREST FOR AN OFFENSE DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION;~~

~~2. THE STATE'S ATTORNEY, AS DEFINED IN THE MARYLAND RULES, FOR THE COUNTY IN WHICH THE OFFENSE WAS COMMITTED; OR~~

~~3. A COMMISSIONER WHO IS AUTHORIZED TO RECEIVE AN APPLICATION AND DETERMINE PROBABLE CAUSE FOR THE ISSUANCE OF A CHARGING DOCUMENT.~~

(2) THIS SUBSECTION APPLIES TO THE FOLLOWING OFFENSES UNDER THIS SUBHEADING:

(I) § 462(A);

(II) § 463(A)(1); AND

(III) § 464B(A)(1)(I) AND (II).

(D) A PERSON MAY BE PROSECUTED FOR AN OFFENSE UNDER §§ 462, 463, 464B, AND 464C OF THIS SUBHEADING AGAINST THE PERSON'S LEGAL SPOUSE IF THE PARTIES ARE LIVING SEPARATE AND APART WITHOUT COHABITATION AND WITHOUT INTERRUPTION PURSUANT TO A DECREE OF LIMITED DIVORCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 5, 1989.