

(ii) Rape or sexual offense, as defined in Article 27, §§ 462 through 464B of the Code, inclusive;

(iii) [Assault with intent to commit] ATTEMPTED rape or ATTEMPTED sexual offense IN THE FIRST OR SECOND DEGREE, as defined in Article 27, [§ 12] § 464F of the Code; or

(iv) In a juvenile court proceeding, abuse or neglect as defined in § 5-701 of the Family Law Article.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The revision of the assault laws repeals the statutory crimes of assault with intent to rape and assault with intent to commit sexual offense. Attempted rape and attempted sexual offense are made felonies under Article 27, § 464F of the Code by the revision.

9-106.

The spouse of a person on trial for a crime may not be compelled to testify as an adverse witness unless the charge involves:

(1) The abuse of a child under 18; or

(2) Assault [and battery] IN ANY DEGREE in which the spouse is a victim if:

(i) The person on trial was previously charged with ASSAULT IN ANY DEGREE OR assault and battery of the spouse;

(ii) The spouse was sworn to testify at the previous trial; and

(iii) The spouse refused to testify at the previous trial on the basis of the provisions of this section.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The revision of the assault laws replaces the common law crime of assault and battery with the statutory crimes of assault in the first or second degree. The Committee to revise Article 27 recommends that any degree of assault occurring within a year of any other assault will result in a spouse being compelled to testify. The reference to "assault and battery" is left in paragraph (2)(i) to cover cases arising before the enactment of this revision.

10-916.

(a) (1) In this section the following words have the meanings indicated.

(2) "Battered Spouse Syndrome" means the psychological condition of a victim of repeated physical and psychological abuse by a spouse, former spouse, cohabitant, or former cohabitant which is also recognized in the medical and scientific community as the "Battered Woman's Syndrome".

(3) "Defendant" means an individual charged with:

(i) First degree murder, second degree murder, manslaughter, [maiming,] or attempt to commit any of these crimes; or