

(ii) Assault [with intent to murder or maim] IN THE FIRST DEGREE.

(b) Notwithstanding evidence that the defendant was the first aggressor, used excessive force, or failed to retreat at the time of the alleged offense, when the defendant raises the issue that the defendant was, at the time of the alleged offense, suffering from the Battered Spouse Syndrome as a result of the past course of conduct of the individual who is the victim of the crime for which the defendant has been charged, the court may admit for the purpose of explaining the defendant's motive or state of mind, or both, at the time of the commission of the alleged offense:

- (1) Evidence of repeated physical and psychological abuse of the defendant perpetrated by an individual who is the victim of a crime for which the defendant has been charged; and
- (2) Expert testimony on the Battered Spouse Syndrome.

**Article – Family Law**

4-501.

(b) (1) "Abuse" means any of the following acts:

- (i) an act that causes serious bodily harm;
- (ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;
- (iii) [battery or assault and battery] ASSAULT IN ANY DEGREE;
- (iv) rape or sexual offense as defined by Article 27, §§ 462 through 464C or attempted rape or sexual offense IN ANY DEGREE; or
- (v) false imprisonment.

SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Notes and catchlines contained in this Act are not law.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall only apply to offenses committed on or after the effective date of this Act and may not be construed to apply in any way to offenses committed before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1996.

May 23, 1996

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis MD 21401

Dear Mr. President: