

~~EVIDENCE, NOTWITHSTANDING EVIDENCE THAT THE DEFENDANT WAS THE FIRST AGGRESSOR, USED EXCESSIVE FORCE, OR FAILED TO RETREAT AT THE TIME OF THE OFFENSE.~~

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

May 24, 1991

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 185.

This bill would alter time limitations on the award of monetary relief by the Maryland Human Relations Commission in cases of unlawful employment discrimination. It would also repeal a sunset provision.

House Bill 355, which was passed by the General Assembly and signed by me on May 14, 1991, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 185.

Sincerely,
William Donald Schaefer
Governor