
By: Delegates T. Murphy and Menes

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Compelled Testimony - Spousal Privilege**

3 FOR the purpose of clarifying a certain condition that must be present in order for a
4 spouse of a person on trial for assault and battery of the spouse to be compelled to
5 testify as an adverse witness; and generally relating to the prohibition against
6 compelling testimony of spouses of persons charged with certain crimes.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 9-106
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1995 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Courts and Judicial Proceedings**

15 9-106.

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

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

19 (2) Assault and battery in which the spouse is a victim if:

20 (i) The person on trial was previously charged with assault and battery
21 of the spouse; AND

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

23 (iii) The spouse] refused IN OPEN COURT to testify at the previous
24 trial on the basis of the provisions of this section.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1996.