

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 161 (Senator Kelley, *et al.*)
Judicial Proceedings

Referred to Judiciary

Evidence - Assault Trials - Spousal Privilege - Record of Assertion

This amended bill provides that if the spouse of a person on trial for assault in which the spouse was a victim is sworn to testify at the trial and refuses on the basis of spousal privilege, the clerk of the court must make and maintain a record of that refusal. The clerk of the court must check the record when an expungement order is presented in a crime involving a charge of assault. If the spouse's name is in the record, the clerk of the court must make and maintain a separate record of the spouse's previous refusal to testify. The bill also limits the availability of the separate record to specific judicial entities. The record is not subject to expungement.

Fiscal Summary

State Effect: None. Any increase in the District Court's workload is assumed to be negligible.

Local Effect: None. Any increase in the workload of the circuit courts is assumed to be negligible.

Small Business Effect: None. The bill would not directly affect small businesses.

Information Source(s): Judiciary (Administrative Office of the Courts, District Court of Maryland), Department of Human Resources, Department of Fiscal Services

Fiscal Note History: First Reader - January 30, 1997
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