
By: **Delegates Frush, Moe, Pitkin, and Conroy**
Introduced and read first time: March 2, 1998
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Witnesses - Parent-Child Privilege**

3 FOR the purpose of prohibiting a child and the child's parent or guardian from being
4 compelled or, without consent of the other if living, allowed to disclose a
5 confidential communication made by one to the other; specifying the nature of a
6 confidential communication; providing certain exceptions; and generally
7 relating to confidential communications between children and parents or
8 guardians.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 9-102
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 9-102.

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CHILD AND
19 THE CHILD'S PARENT OR GUARDIAN MAY NOT BE COMPELLED OR, WITHOUT
20 CONSENT OF THE OTHER IF LIVING, ALLOWED TO DISCLOSE A CONFIDENTIAL
21 COMMUNICATION MADE BY ONE TO THE OTHER.

22 (B) (1) A COMMUNICATION BETWEEN A CHILD AND THE CHILD'S PARENT OR
23 GUARDIAN IS CONFIDENTIAL IF THE PARTY WHO MADE IT DID NOT INTEND IT TO BE
24 DISCLOSED TO ANY OTHER PERSON.

25 (2) A COMMUNICATION IS CONFIDENTIAL DESPITE BEING MADE IN THE
26 PRESENCE OF A SIBLING OF THE CHILD.

27 (C) THIS SECTION DOES NOT APPLY:

1 (1) IN A CIVIL PROCEEDING BROUGHT BY ONE OF THE PARTIES TO THE
2 CONFIDENTIAL COMMUNICATION AGAINST THE OTHER; OR

3 (2) IN A CRIMINAL PROCEEDING FOR A CRIME COMMITTED BY ONE OF
4 THE PARTIES TO THE CONFIDENTIAL COMMUNICATION AGAINST THE PERSON OR
5 PROPERTY OF THE OTHER.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1998.