

No. 1989-16

## AN ACT

HB 570

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for spousal privilege in evidence.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 5913 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5913. Spouses as witnesses against each other.

Except as otherwise provided in this subchapter, in a criminal proceeding **[husband and wife shall not be competent or permitted to testify against each other,]** *a person shall have the privilege, which he or she may waive, not to testify against his or her then lawful spouse except that there shall be no such privilege:*

(1) in proceedings for desertion and maintenance**[, and];**

(2) in any criminal proceeding against either for bodily injury or violence attempted, done or threatened upon the other, or upon the minor children of said husband and wife, or the minor children of either of them, or any minor child in their care or custody, or in the care or custody of either of them**[, each shall be a competent witness against the other, and except also that either of them shall be competent merely];**

(3) *applicable to [prove] proof of the fact of marriage, in support of a criminal charge of bigamy alleged to have been committed by or with the other; or*

(4) *in any criminal proceeding in which one of the charges pending against the defendant includes murder, involuntary deviate sexual intercourse or rape.*

Section 2. This act shall apply to all criminal cases pending on the effective date of this act.

Section 3. This act shall take effect immediately.

APPROVED—The 29th day of June, A. D. 1989.

ROBERT P. CASEY