

By Representative Lynn

1                                   A bill to be entitled  
2           An act relating to the husband and wife  
3           privilege against disclosure; amending s.  
4           90.504, F.S.; denying existence of the  
5           privilege in certain criminal proceedings;  
6           providing an effective date.

8 Be It Enacted by the Legislature of the State of Florida:

10           Section 1. Paragraph (d) is added to subsection (3) of  
11 section 90.504, Florida Statutes, to read:

12           90.504 Husband-wife privilege.--

13           (3) There is no privilege under this section:

14           (a) In a proceeding brought by or on behalf of one  
15 spouse against the other spouse.

16           (b) In a criminal proceeding in which one spouse is  
17 charged with a crime committed at any time against the person  
18 or property of the other spouse, or the person or property of  
19 a child of either.

20           (c) In a criminal proceeding in which the  
21 communication is offered in evidence by a defendant-spouse who  
22 is one of the spouses between whom the communication was made.

23           (d) In a criminal proceeding in which a spouse has  
24 been indicted for a capital felony.

25           Section 2. This act shall take effect October 1, 2002.

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28                                   HOUSE SUMMARY

29           Denies the existence of a husband and wife privilege  
30 against disclosure in criminal proceedings in which a  
31 spouse has been indicted for a capital felony.