

By Senator Wise

6-343-02

See HB 133

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:

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 10 Section 1. Subsection (3) of section 90.504, Florida
 11 Statutes, is amended 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 LEGISLATIVE SUMMARY

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