

By Senator Fasano

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A bill to be entitled

An act relating to the privilege against disclosure of communications made in confidence between spouses; amending s. 90.504, F.S.; providing that there is no husband-wife privilege in a criminal proceeding in which one spouse is charged with murder in the first degree; providing an effective date.

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

Section 1. Section 90.504, Florida Statutes, is amended to read:

90.504 Husband-wife privilege.--

(1) A spouse has a privilege during and after the marital relationship to refuse to disclose, and to prevent another from disclosing, communications which were intended to be made in confidence between the spouses while they were husband and wife.

(2) The privilege may be claimed by either spouse or by the guardian or conservator of a spouse. The authority of a spouse, or guardian or conservator of a spouse, to claim the privilege is presumed in the absence of contrary evidence.

(3) There is no privilege under this section:

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

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

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

4 (d) In a criminal proceeding in which one spouse is
5 charged with murder in the first degree.

6 Section 2. This act shall take effect July 1, 2006.

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9 SENATE SUMMARY

10 Provides that there is no husband-wife privilege in a
11 criminal proceeding in which one spouse is charged with
12 murder in the first degree.
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