## 11-103-07

1	A bill to be entitled
2	An act relating to the privilege against
3	disclosure of communications made in confidence
4	between spouses; amending s. 90.504, F.S.;
5	providing that there is no husband-wife
6	privilege in a criminal proceeding in which one
7	spouse is charged with murder in the first
8	degree; providing an effective date.
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10	Be It Enacted by the Legislature of the State of Florida:
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12	Section 1. Section 90.504, Florida Statues, is amended
13	to read:
14	90.504 Husband-wife privilege
15	(1) A spouse has a privilege during and after the
16	marital relationship to refuse to disclose, and to prevent
17	another from disclosing, communications which were intended to
18	be made in confidence between the spouses while they were
19	husband and wife.
20	(2) The privilege may be claimed by either spouse or
21	by the guardian or conservator of a spouse. The authority of
22	a spouse, or guardian or conservator of a spouse, to claim the
23	privilege is presumed in the absence of contrary evidence.
24	(3) There is no privilege under this section:
25	(a) In a proceeding brought by or on behalf of one
26	spouse against the other spouse.
27	(b) In a criminal proceeding in which one spouse is
28	charged with a crime committed at any time against the person
29	or property of the other spouse, or the person or property of
30	a child of either.
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2 communication is offered in evidence by a defendant	nt-spouse who
3 is one of the spouses between whom the communicat:	ion was made.
4 (d) In a criminal proceeding in which one s	spouse is
5 charged with murder in the first degree.	
6 Section 2. This act shall take effect July	7 1, 2007.
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9 SENATE SUMMARY	
Provides that there is no husband-wife privilege criminal proceeding in which one spouse is charge	e in a ged with
11 murder in the first degree.	,
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