

House Bill 840

By: Representative Collins of the 27<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated,  
2 relating to privilege, so as to change certain provisions relating to the confidentiality of  
3 communications between a husband and wife; to change certain provisions relating to the  
4 compellability of testimony by a defendant's spouse; to provide for related matters; to  
5 provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to  
9 privilege, is amended by revising Code Section 24-9-23, relating to compellability of  
10 testimony by a defendant's spouse, as follows:

11 "24-9-23.

12 (a) Husband and wife shall be competent but shall not be compellable to give evidence in  
13 any criminal proceeding for or against each other.

14 (b) The privilege created by subsection (a) of this Code section or by corresponding  
15 privileges in paragraph (1) of Code Section 24-9-21 or subsection (a) of Code Section  
16 24-9-27 shall not apply in proceedings in which ~~the~~:

17 (1) The husband or wife is charged with a crime against the person of a minor child, but  
18 such person shall be compellable to give evidence only on the specific act for which the  
19 defendant is charged;

20 (2) The husband or wife is charged with a crime or tort against the person or property of  
21 the other spouse; or

22 (3) An unrefuted showing is made in a criminal proceeding that the spouses acted jointly  
23 in the commission of the crime charged."

24 **SECTION 2.**

25 This Act shall become effective upon its approval by the Governor or upon its becoming law  
26 without such approval.

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.