

House Bill 422

By: Representatives Atwood of the 179th, Houston of the 170th, Lindsey of the 54th, Golick of the 34th, and Welch of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia
2 Annotated, relating to privilege under the rules of evidence, so as to change provisions
3 relating to spousal privilege in criminal proceedings; to provide certain exceptions to the
4 general rule of privilege; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated,
9 relating to privilege under the rules of evidence, is amended by revising Code Section
10 24-9-23, relating to spousal privilege in criminal proceedings, 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:

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

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

22 (3) The husband and wife are alleged to have acted jointly in the commission of the
23 crime charged; or

24 (4) The alleged crime occurred prior to the lawful marriage of the husband and wife."

25

SECTION 2.

26 All laws and parts of laws in conflict with this Act are repealed.