

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2051

Session of  
1987

INTRODUCED BY HAGARTY, HECKLER, JOSEPHS, O'BRIEN, LIVENGOOD,  
MORRIS, JACKSON, TIGUE, SIRIANNI, VEON, BURD, RITTER, FOX,  
NOYE, TRELLO, FARGO, GODSHALL, HAYDEN, E. Z. TAYLOR,  
S. H. SMITH, JOHNSON, DEMPSEY, SAURMAN, MICHLOVIC, McHALE AND  
LANGTRY, DECEMBER 8, 1987

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 8, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 spousal privilege in evidence.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 5913 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 5913. Spouses as witnesses against each other.

9 Except as otherwise provided in this subchapter, in a  
10 criminal proceeding husband and wife shall [not be competent or  
11 permitted] have the privilege, which may be waived by either  
12 spouse, not to testify against each other[,]; except that there  
13 shall be no such privilege:

14 (1) in proceedings for desertion and maintenance[, and];

15 (2) in any criminal proceeding against either for bodily  
16 injury or violence attempted, done or threatened upon the  
17 other, or upon the minor children of said husband and wife,

1 or the minor children of either of them, or any minor child  
2 in their care or custody, or in the care or custody of either  
3 of them[, each shall be a competent witness against the  
4 other, and except also that either of them shall be competent  
5 merely];

6 (3) applicable to [prove] proof of the fact of marriage,  
7 in support of a criminal charge of bigamy alleged to have  
8 been committed by or with the other; or

9 (4) in any criminal proceeding for murder.

10 Section 2. This act shall take effect in 60 days.