

CHAPTER 835

(House Bill 404)

AN ACT to repeal and re-enact, with amendments, Section 4 of Article 35 of the Annotated Code of Maryland (1957 Edition), title "Evidence," subtitle "Competency of Witness," to provide that a husband or wife is not compelled to testify as an adverse party or witness in a criminal action involving his or her spouse but may testify at his or her election only.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 4 of Article 35 of the Annotated Code of Maryland (1957 Edition), title "Evidence," subtitle "Competency of Witness," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

4.

In the trial of all indictments, complaints and other proceedings against persons charged with the commission of crimes and offenses, and in all proceedings in the nature of criminal proceedings in any court of this State, and before a justice of the peace or other officer acting judicially, the person so charged shall at his own request, but not otherwise, be deemed a competent witness; but the neglect or refusal of any such person to testify shall not create any presumption against him. In all criminal proceedings the husband or wife of the accused party shall be competent to testify; but in no case, civil or criminal, shall any husband or wife be competent to disclose any confidential communication made by the one to the other during the marriage [;], *nor shall the husband or wife be compelled to testify as an adverse party or witness in any criminal proceeding involving his or her spouse;* and in suits, actions, bills or other proceedings instituted in consequence of adultery, or for the purpose of obtaining a divorce, or for damages for breach of promise of marriage, no verdict shall be permitted to be recovered, nor shall any judgment or decree be entered upon the testimony of the plaintiff alone; but in all such cases testimony in corroboration of that of the plaintiff shall be necessary.

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1965.

Approved May 4, 1965.

CHAPTER 836

(House Bill 637)

AN ACT to repeal and re-enact, with amendments, Section 34 of Article 43 of the Annotated Code of Maryland (1957 Edition), title "Health," subtitle "Miscellaneous Provisions"; to include Baltimore City within the jurisdiction of the State Board of Health and Mental Hygiene for the purpose of the establishment of minimum standards and qualifications to be maintained in certain laboratories.