

clerk of the court must make and maintain a record of that refusal. The clerk of the court must check the record when an expungement order is presented in a crime involving a charge of assault. If the spouse's name is in the record, the clerk of the court must make and maintain a separate record of the spouse's previous refusal to testify. The bill also limits the availability of the separate record to specific judicial entities. The record is not subject to expungement.

Senate Bill 161, which was passed by the General Assembly and signed by me on May 8, 1997, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 681.

Sincerely,
Parris N. Glendening
Governor

House Bill No. 681

AN ACT concerning

Evidence – Assault Trials – Spousal Privilege – Record of Assertion

FOR the purpose of requiring that the clerk of the court make and maintain a separate record of the refusal of certain witnesses to testify in certain assault trials under certain circumstances; requiring the clerk to make and maintain a certain separate record when an expungement order is presented in certain cases; specifying the contents of the record; limiting the availability of the record; providing that the record is not subject to expungement; and generally relating to the privilege of the spouse of a person on trial for certain crimes to refuse to testify.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 9-106

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

9-106.

(A) The spouse of a person on trial for a crime may not be compelled to testify as an adverse witness unless the charge involves:

(1) The abuse of a child under 18; or

(2) Assault in any degree in which the spouse is a victim if:

(i) The person on trial was previously charged with assault in any degree or assault and battery of the spouse;