

(ii) The spouse was sworn to testify at the previous trial; and

(iii) The spouse refused to testify at the previous trial on the basis of the provisions of this section.

(B) (1) IF THE SPOUSE OF A PERSON ON TRIAL FOR ASSAULT IN ANY DEGREE IN WHICH THE SPOUSE WAS A VICTIM IS SWORN TO TESTIFY AT THE TRIAL AND REFUSES TO TESTIFY ON THE BASIS OF THE PROVISIONS OF THIS SECTION, THE CLERK OF THE COURT SHALL MAKE AND MAINTAIN A ~~SEPARATE~~ RECORD OF THAT REFUSAL, INCLUDING THE NAME OF THE SPOUSE REFUSING TO TESTIFY.

(2) ~~THE RECORD SHALL INCLUDE WHEN AN EXPUNGEMENT ORDER IS PRESENTED TO THE CLERK OF THE COURT IN A CASE INVOLVING A CHARGE OF ASSAULT IN ANY DEGREE, THE CLERK SHALL CHECK THE RECORD TO DETERMINE WHETHER THE DEFENDANT'S SPOUSE REFUSED TO TESTIFY ON THE BASIS OF THE PROVISIONS OF THIS SECTION.~~

(3) IF THE RECORD SHOWS SUCH A REFUSAL, THE CLERK SHALL MAKE AND MAINTAIN A SEPARATE RECORD OF THE REFUSAL, INCLUDING THE DEFENDANT'S NAME, THE SPOUSE'S NAME, THE CASE FILE NUMBER, A COPY OF THE CHARGING DOCUMENT, AND THE DATE OF THE TRIAL IN WHICH THE SPOUSE REFUSED TO TESTIFY.

~~(3)~~ (4) THE SEPARATE RECORD SPECIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

(I) IS NOT SUBJECT TO EXPUNGEMENT UNDER ARTICLE 27, §§ 735 THROUGH 741 OF THE CODE; AND

(II) SHALL BE AVAILABLE ONLY TO THE COURT, A STATE'S ATTORNEY'S OFFICE, AND AN ATTORNEY FOR THE DEFENDANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.

May 22, 1997

The Honorable Casper R. Taylor, Jr.
Speaker of the House
State House
Annapolis MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 698.

This bill increases, from one to two, the number of points assessed for failure to yield the right-of-way to a blind, deaf, or mobility impaired pedestrian.

Senate Bill 122, 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 698.