



1997 ASSEMBLY BILL 34

January 29, 1997 - Introduced by Representatives DOBYNS, HAHN, PORTER, MUSSER, LADWIG, HUBER, LA FAVE, HANDRICK, KELSO, SKINDRUD, NASS, FREESE, GROTHMAN, GARD, OTTE, SERATTI, GOETSCH, BRANDEMUEHL, AINSWORTH, OLSEN, M. LEHMAN, POWERS, OTT, VRAKAS, GUNDERSON and KAUFERT, cosponsored by Senators FARROW, BUETTNER, WELCH, PLACHE and ROSENZWEIG. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to create** 905.05 (3) (e) of the statutes; **relating to:** privileged
2 communications between spouses.

Analysis by the Legislative Reference Bureau

Under current law, a person has the right to prevent his or her spouse from testifying against the person as to any private communications between them during their marriage. This privilege currently does not apply in a number of circumstances, including in proceedings in which one spouse is charged with a crime against the other and in proceedings in which a spouse is charged with prostitution.

This bill provides that the privilege does not apply to a proceeding in which the spouse is charged with a crime against the life of another, including intentional and reckless homicide, homicide by negligent or intoxicated use of a vehicle or a firearm, mutilation of a corpse or assisting a suicide.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 905.05 (3) (e) of the statutes is created to read:
4 905.05 (3) (e) In proceedings in which a spouse or former spouse is charged with
5 a crime specified under s. 940.01, 940.02, 940.03, 940.04, 940.05, 940.06, 940.07,
6 940.08, 940.09, 940.10, 940.11, 940.12 or 940.15.

