

2019 Regular Session

HOUSE BILL NO. 32

BY REPRESENTATIVE THOMAS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EVIDENCE: Provides relative to the spousal confidential communications privilege

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AN ACT

To amend and reenact Code of Evidence Article 504(C)(5) and to enact Code of Evidence Article 504(C)(6), relative to testimonial privileges; to provide relative to the spousal confidential communications privilege; to add an exception to the privilege for communications made in furtherance of or while participating in a crime or civil wrong or a conspiracy thereto; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Evidence Article 504(C)(5) is hereby amended and reenacted and Code of Evidence Article 504(C)(6) is hereby enacted to read as follows:

Art. 504. Spousal confidential communications privilege

* * *

C. Confidential communications; exceptions. This privilege does not apply:

* * *

(5) When the communication is made in furtherance of or while participating in a crime or civil wrong or a conspiracy to commit a crime or civil wrong.

~~(5)(6)~~ In cases otherwise provided by legislation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 32 Original

2019 Regular Session

Thomas

Abstract: Adds an additional exception to the spousal communications privilege when the communication is made in furtherance of or while participating in a crime or civil wrong or a conspiracy thereto.

Present law provides that each spouse has a privilege during and after marriage to refuse to disclose, and to prevent the other spouse from disclosing, confidential communications while they were husband and wife.

Present law provides that the confidential communications privilege does not apply to the following:

- (1) In criminal cases when one spouse is charged with a crime against the person or property of the other spouse or of a child of either spouse.
- (2) In civil cases brought by or on behalf of one spouse against the other spouse.
- (3) In commitment or interdiction proceedings.
- (4) When the communication is to protect or vindicate the rights of a minor child of either spouse.
- (5) In cases otherwise provided by legislation.

Proposed law adds an additional exception to the present law exceptions when the spousal communication is made in furtherance of or while participating in a crime or civil wrong or a conspiracy thereto.

(Amends C.E. Art. 504(C)(5); Adds C.E. Art. 504(C)(6))