

A PERSON CONVICTED OF PERJURY MAY NOT TESTIFY.

REVISOR'S NOTE: This section is new language derived from a portion of Art. 35, §1.

SEC. 9-105. SPOUSE-CIVIL PROCEEDINGS.

ONE SPOUSE IS NOT COMPETENT TO DISCLOSE ANY CONFIDENTIAL COMMUNICATION BETWEEN THE SPOUSES OCCURRING DURING THEIR MARRIAGE.

REVISOR'S NOTE: This section is new language derived from a portion of Art. 35, §§ 1 and 4. Art. 35, §4 was amended by Ch. 835, Acts of 1973. The present statute uses the word "competent" and is silent as to waiver by either spouse in a civil proceedings.

SEC. 9-106. SPOUSE OF PERSON CHARGED WITH A CRIME.

THE SPOUSE OF A PERSON ON TRIAL FOR A CRIME MAY NOT BE COMPELLED TO TESTIFY AS AN ADVERSE WITNESS UNLESS THE CHARGE INVOLVES THE ABUSE OF A CHILD UNDER 18.

REVISOR'S NOTE: This section is new language derived from a portion of Art. 35, §4. The provisions of this section presently follow §9-105 and logically relate to similar subject matter. A reference to a criminal provision in Art. 27 is omitted as the proposed section sets out the stated crime and the reference is superfluous. This section incorporates the provision of Ch. 835, Acts of 1973 which changed the age of a child from "under 16" to "under 18". Language is changed for the purpose of clarity.

SEC. 9-107. DEFENDANT IN A CRIMINAL TRIAL.

A PERSON MAY NOT BE COMPELLED TO TESTIFY IN VIOLATION OF HIS PRIVILEGE AGAINST SELF-INCRIMINATION. THE FAILURE OF A DEFENDANT TO TESTIFY IN A CRIMINAL PROCEEDING ON THIS BASIS DOES NOT CREATE ANY PRESUMPTION AGAINST HIM.

REVISOR'S NOTE: This section is new language derived from a portion of Art. 35, §4, as amended by Ch. 835, Acts of 1973. This section is intended to implement the mandate