

AMENDMENT NO. \_\_\_\_\_

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

**AMEND Senate Bill No. 2936\***

**House Bill No. 3158**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-1-201(b) is amended by deleting the language "In either a civil or criminal proceeding" in the first sentence and substituting instead, the language "In a civil proceeding".

SECTION 2. Tennessee Code Annotated, Section 24-1-201, is further amended by adding the following as new subsections:

(c) In a criminal proceeding, a marital confidential communication is privileged if it meets the criteria of subsection (d) and is inadmissible in evidence unless the witness-spouse waives such privilege. This marital confidential communications privilege shall not apply to proceedings involving the abuse of a spouse or minor as described in subsection (b) of this section.

(d) A marital confidential communication is privileged in a criminal proceeding only if:

(1) The communications originated in a confidence that they will not be disclosed;

(2) The element of confidentiality is essential to the full and satisfactory maintenance of the relation between the parties;

(3) The relation must be one which, in the opinion of the community, ought to be sedulously fostered; and,

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**\*012375\***

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(4) The injury to the relation by disclosure of the communications  
outweighs the benefit gained for the correct disposal of litigation.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring  
it.

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