

ASSEMBLY, No. 146

(Revised Statutes, section 2:97-4.)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1940

By Mr. McDERMOTT

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning witnesses, and amending section 2:97-4 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 2:97-4 of the Revised Statutes is amended to read as follows:

2 2:97-4. In any criminal action or proceeding a husband or wife shall be
3 competent to testify against his or her wife or husband to prove the fact
4 of marriage.

5 Upon the trial of any indictment a married man shall be admitted to tes-
6 tify against his wife when he is the complainant against her, if he shall offer
7 himself as a witness.

8 Upon the trial of any indictment a married woman shall be admitted
9 to testify against her husband when she is the complainant against him, if
10 she shall offer herself as a witness.

11 Except as in this section or elsewhere provided by statute no husband
12 or wife shall be competent to give evidence against the other in any crim-
13 inal action or proceeding.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this act is to permit a husband to testify in a criminal proceeding, where he is the complainant against his wife, and in which proceeding he shall offer himself as a witness.

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