

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Messrs. THOMAS and TOMPKINS

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning testimony of a husband or wife in certain criminal proceedings, and amending section 2A :81-3 of the New Jersey Statutes.

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

1 1. Section 2A :81-3 of the New Jersey Statutes is amended to read as
2 follows:

3 2A :81-3. In any criminal action or proceeding a husband or wife shall
4 be competent to testify against his or her wife or husband to prove the fact
5 of marriage.

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

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

12 In any criminal action or proceeding a husband or wife shall be admitted
13 to testify against his or her wife or husband when he or she is the injured
14 party, if he or she shall offer himself or herself as a witness.

15 In any criminal action or proceeding in which a married person is
16 charged with an offense involving a child of the defendant, or a child of
17 the husband or wife of the defendant, the husband or wife of the defendant

18 shall be admitted to testify against his or her wife or husband to prove the fact
19 of the offense charged, if he or she shall offer himself or herself as a witness.

20 Except as in this section or elsewhere provided by statute no husband
21 or wife shall be competent to give evidence against the other in any criminal
22 action or proceeding.

1 2. This act shall take effect immediately.

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SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 24

STATE OF NEW JERSEY

ADOPTED MAY 18, 1953

Amend page 1, section 1, lines 12, 13 and 14, strike out entire lines and substitute the following: "In any criminal action or proceeding wherein a married person is charged with having committed an offense against his or her spouse, the said spouse shall be admitted to testify against said married person if said spouse shall offer himself or herself as a witness."

Amend pages 1 and 2, section 1, lines 15, 16, 17, 18 and 19, strike out entire lines and substitute the following: "In any criminal action or proceeding wherein a married person is charged with having neglected or having been cruel to his or her child, adopted child, stepchild, or a child in his or her custody or under his or her control, the spouse of said married person shall be admitted to testify against said married person if said spouse shall offer himself or herself as a witness."

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