

HOUSE BILL No. 5174

October 12, 1989, Introduced by Reps. Crandall, Allen, Varga, Hoekman, Power, Krause, Camp, Fitzgerald, Bryant, Stacey, Knight, London, Martin, Dolan, Munsell, Gire, Bankes, Kilpatrick, Stabenow, Gubow, Ciaramitaro, Pitoniak, Honigman, Hunter, Van Regenmorter, Strand, Muxlow, Runco, Perry Bullard and Law and referred to the Committee on Judiciary.

A bill to amend section 2162 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

being section 600.2162 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2162 of Act No. 236 of the Public Acts
2 of 1961, being section 600.2162 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2162. A husband shall not be examined as a witness for
5 or against his wife without her consent; nor a wife for or
6 against her husband without his consent, except in ~~suits~~
7 ACTIONS for divorce, ~~and~~ in cases of prosecution for bigamy, in
8 cases of prosecution for a crime committed against the children
9 of either or both, ~~and~~ where the cause of action grows out of a
10 personal wrong or injury done by one to the other, or grows out

1 of the refusal or neglect to furnish the wife or children with
2 suitable support, ~~and except~~ in cases of desertion or abandon-
3 ment, ~~and~~ cases arising under section 6 of ~~Chapter~~ CHAPTER 83
4 of the Revised Statutes of 1846, as amended, BEING SECTION 551.6
5 OF THE MICHIGAN COMPILED LAWS, relating to marriage, and cases
6 where the husband or wife shall be a party to the record in ~~a~~
7 ~~suit,~~ AN action ~~or~~ proceeding, where the title to the sepa-
8 rate property of the husband or wife so called or offered as a
9 witness, or where the title to property derived from, through, or
10 under the husband or wife so called or offered as a witness,
11 shall be the subject matter in controversy or litigation in such
12 ~~suit,~~ action or proceeding, in opposition to the claim or
13 interest of the other of said married persons, who is a party to
14 the record in such ~~suit,~~ action or proceeding; and in all such
15 cases, such husband or wife who makes such claim of title, or
16 under or from whom such title is derived, shall be as competent
17 to testify in relation to said separate property and the title
18 thereto without the consent of said husband or wife, who is a
19 party to the record in such ~~suit,~~ action or proceeding, as
20 though such marriage relation did not exist; nor shall either,
21 during the marriage or afterwards, without the consent of both,
22 be examined as to any communication made by one to the other
23 during the marriage, EXCEPT IN CASES OF PROSECUTION FOR A CRIME
24 COMMITTED AGAINST THE CHILDREN OF EITHER OR BOTH, but in any
25 action or proceeding instituted by the husband or wife, in conse-
26 quence of adultery, the husband and wife shall not be competent
27 to testify.