



HOUSE BILL No. 4024

February 2, 1993, Introduced by Reps. Berman, Gubow, Dolan, Bodem, Dobronski, Gilmer, Barns, Dobb, Schroer and Crissman 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. (1) A husband shall not be examined as a witness
5 for or against his wife without her consent ~~—nor—~~ OR a wife for
6 or against her husband without his consent, except ~~—in—~~ AS
7 FOLLOWS:

8 (A) IN suits for divorce. ~~—and in—~~

9 (B) IN cases of prosecution for bigamy. ~~—in—~~

1 (C) IN cases of prosecution for a crime committed against
2 the children of either or both. ~~, and where the~~

3 (D) IN A cause of action THAT grows out of a personal wrong
4 or injury done by one to the other, or grows out of the refusal
5 or neglect to furnish the wife or children with suitable
6 support. ~~, and except in~~

7 (E) IN cases of desertion or abandonment. ~~, and~~

8 (F) IN cases arising under section 6 of ~~Chapter~~ CHAPTER 83
9 of the Revised Statutes of 1846, as amended, BEING SECTION 551.6
10 OF THE MICHIGAN COMPILED LAWS, relating to marriage. ~~, and~~
11 ~~cases where~~

12 (G) IN CASES IN WHICH the husband or wife ~~shall be~~ IS a
13 party to the record in a suit, action, or proceeding ~~, where~~ IF
14 the title to the separate property of the husband or wife so
15 called or offered as a witness, or ~~where~~ IF the title to prop-
16 erty derived from, through, or under the husband or wife so
17 called or offered as a witness, ~~shall be~~ IS the subject matter
18 in controversy or litigation in ~~such~~ THE suit, action, or pro-
19 ceeding, in opposition to the claim or interest of the other of
20 said married persons, who is a party to the record in ~~such~~ THE
21 suit, action, or proceeding. ~~, and in~~ IN all such cases,
22 ~~such~~ THE husband or wife who makes ~~such~~ THE claim of title,
23 or under or from whom ~~such~~ THE title is derived, shall be as
24 competent to testify in relation to said separate property and
25 the title thereto without the consent of said husband or wife,
26 who is a party to the record in ~~such~~ THE suit, action, or

1 proceeding, as though ~~such~~ THE marriage relation did not
2 exist. ~~, nor shall either~~

3 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A HUS-
4 BAND OR WIFE SHALL NOT, during the marriage or afterwards, with-
5 out the consent of both, be examined as to any communication made
6 by one to the other during the marriage. ~~, but in any~~ A HUS-
7 BAND OR WIFE MAY, DURING THE MARRIAGE OR AFTERWARDS, WITH THE
8 CONSENT OF THE INDIVIDUAL TO BE EXAMINED, BE EXAMINED AS TO ANY
9 COMMUNICATION MADE BY ONE TO THE OTHER DURING THE MARRIAGE
10 REGARDING A MATTER DESCRIBED IN SUBSECTION (1)(A) TO (G).

11 (3) IN AN action or proceeding instituted by the husband or
12 wife, in consequence of adultery, the husband and wife shall not
13 be competent to testify.