

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 170
HOUSE BILL 66

AN ACT TO REVISE AND SIMPLIFY G.S. 8-57 REGARDING THE TESTIMONY
OF SPOUSES IN CRIMINAL ACTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 8-57 is rewritten to read as follows:

"§ 8-57. Husband and wife as witnesses in criminal actions – (a) The spouse of the defendant shall be a competent witness for the defendant in all criminal actions, but the failure of the defendant to call such spouse as a witness shall not be used against him. Such spouse is subject to cross-examination as are other witnesses.

(b) The spouse of the defendant shall be competent but not compellable to testify for the State against the defendant, except that the spouse of the defendant shall be both competent and compellable to so testify:

- (1) In a prosecution for bigamy or criminal cohabitation, to prove the fact of marriage and facts tending to show the absence of divorce or annulment;
- (2) In a prosecution for assaulting or communicating a threat to the other spouse;
- (3) In a prosecution for trespass in or upon the separate lands or residence of the other spouse when living separate and apart from each other by mutual consent or court order;
- (4) In a prosecution for abandonment of or failure to provide support for the other spouse or their child;
- (5) In a prosecution of one spouse for any other criminal offense against the minor child of either spouse, including any illegitimate or adopted or foster child of either spouse.

(c) No husband or wife shall be compellable in any event to disclose any confidential communication made by one to the other during their marriage."

Sec. 2. This act shall become effective October 1, 1983, and shall apply to all criminal prosecutions instituted after that date.

In the General Assembly read three times and ratified, this the 13th day of April, 1983.