

Dev. Judiciary 2/9 To Pass 2/21 (p. 972.)

FEB 19 1982

HOUSE FILE 2365

Place On Calendar

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly Study Bill 653)

Passed House, Date 3-4-82 (p. 672) Passed Senate, Date 4-8-82 (p. 1114)

Vote: Ayes 97 Nays 0 Vote: Ayes 44 Nays 2

Approved April 30, 1982

A BILL FOR

1 An Act relating to the testimony of a husband or wife as a
2 witness against the other.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 622.7, Code 1981, is amended to read
2 as follows:

3 622.7 HUSBAND OR WIFE AS WITNESS. Neither the husband
4 nor wife shall in any case be a witness against the other
5 regarding events and conversations occurring during their
6 marriage, except:

- 7 1. In a criminal prosecution for a crime committed one
- 8 against the other, or
- 9 2. In a civil action or proceeding one against the other,
- 10 or

11 ~~3. In a civil action by one against a third party for~~
12 ~~alienating the affections of the other, or~~

13 4 3. In any civil action brought by a judgment creditor
14 against either the husband or the wife, to set aside a
15 conveyance of property from one to the other on the ground
16 of want of consideration or fraud, and to subject the same
17 property to the payment of ~~his~~ the judgment.

18 EXPLANATION

19 This bill provides that the privilege of a husband or wife
20 not to testify against the other is limited to those events
21 and conversations which occurred during their marriage. The
22 bill also deletes the reference to alienation of affection
23 actions in section 622.7 since such actions have been abolished
24 by the Iowa supreme court. The bill is effective July 1
25 following its enactment.

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of want of consideration or fraud, and to subject the same property to the payment of ~~his~~ the judgment.

HOUSE FILE 2365

AN ACT

RELATING TO THE TESTIMONY OF A HUSBAND OR WIFE AS A WITNESS AGAINST THE OTHER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 622.7, Code 1981, is amended to read as follows:

622.7 HUSBAND OR WIFE AS WITNESS. Neither the husband nor wife shall in any case be a witness against the other regarding events and conversations occurring during their marriage, except:

1. In a criminal prosecution for a crime committed one against the other, or
2. In a civil action or proceeding one against the other,

or
~~3. in a civil action by one against a third party for alienating the affections of the other, or~~

4 3. In any civil action brought by a judgment creditor against either the husband or the wife, to set aside a conveyance of property from one to the other on the ground

DELWIN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2365, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved April 13, 1982

ROBERT D. RAY
Governor

H.F. 2365