



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5666

Introduced 2/9/2010, by Rep. Careen M. Gordon

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-16

Amends the Code of Criminal Procedure of 1963. Permits a husband or wife to testify as to any communication or admission made by either of them to the other or as to any conversation between them during marriage when either is charged with or under investigation for (rather than just charged with) criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse and the victim is a minor under 18 years of age in either spouse's care, custody, or control at the time of the offense. Effective immediately.

LRB096 18106 RLC 33481 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 115-16 as follows:

6 (725 ILCS 5/115-16)

7 Sec. 115-16. Witness disqualification. No person shall be
8 disqualified as a witness in a criminal case or proceeding by
9 reason of his or her interest in the event of the case or
10 proceeding, as a party or otherwise, or by reason of his or her
11 having been convicted of a crime; but the interest or
12 conviction may be shown for the purpose of affecting the
13 credibility of the witness. A defendant in a criminal case or
14 proceeding shall only at his or her own request be deemed a
15 competent witness, and the person's neglect to testify shall
16 not create a presumption against the person, nor shall the
17 court permit a reference or comment to be made to or upon that
18 neglect.

19 In criminal cases, husband and wife may testify for or
20 against each other. Neither, however, may testify as to any
21 communication or admission made by either of them to the other
22 or as to any conversation between them during marriage, except
23 in cases in which either is charged with an offense against the

1 person or property of the other, in case of spouse abandonment,
2 when the interests of their child or children or of any child
3 or children in either spouse's care, custody, or control are
4 directly involved, when either is charged with or under
5 investigation for an offense under Section 12-13, 12-14,
6 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 and the
7 victim is a minor under 18 years of age in either spouse's
8 care, custody, or control at the time of the offense, or as to
9 matters in which either has acted as agent of the other.

10 (Source: P.A. 89-234, eff. 1-1-96; 89-428, eff. 12-13-95;
11 89-462, eff. 5-29-96.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.