

### **Rule 504 Husband-wife privilege**

- (a) Spousal testimony. The spouse of a party has a privilege to refuse to testify against the party as to events occurring after the date of their marriage. A party has a privilege to prevent his or her spouse from testifying against the party as to events occurring after the date of their marriage.
- (b) Marital communications. An individual has a privilege to refuse to testify and to prevent another from testifying to any confidential communication made by the individual to his or her spouse during their marriage. The privilege may be asserted only by the individual holding the privilege or by the holder's guardian, conservator, or personal representative. A communication is confidential if it is made privately by an individual to his or her spouse and is not intended for disclosure to any other person.
- (c) Exceptions. There is no privilege under this rule:
  - (1) In any criminal proceeding in which the court determines that the spouses conspired or acted jointly in the commission of the crime charged;
  - (2) In any proceeding in which one (1) spouse is charged with wrongful conduct against the person or property of:
    - (A) The other;
    - (B) A minor child of either;
    - (C) An individual residing in the household of either; or
    - (D) A third person if the wrongful conduct is committed in the course of wrongful conduct against any of the individuals previously named in this sentence; or
  - (3) In any proceeding in which the spouses are adverse parties.
- (d) Minor child. The court may refuse to allow the privilege in any proceeding if the interests of a minor child of either spouse may be adversely affected.

**Effective:** May 31, 2006

**History:** Enacted 1990 Ky. Acts ch. 88, sec. 26; amended 1992 Ky. Acts ch. 324, sec. 9; renumbered (7/1/92) pursuant to 1992 Ky. Acts ch. 324, sec. 34; amended May 31, 2006, Supreme Court of Kentucky Order 2006-06.