

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4999**

BY DELEGATES KIRBY, STEELE, BROOKS, AND C. PRITT

[Passed March 8, 2024; in effect ninety days from  
passage.]



1 AN ACT to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating  
2 to expanding the exception to spousal testimonial privilege to include cases of offenses  
3 committed against the grandchildren of either spouse, or minor, as defined in §2-2-10 of  
4 this code, or any person deemed incompetent by mental disease, defect, or other  
5 disability.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. COMPETENCY OF WITNESSES.**

**§57-3-3. Testimony of husband and wife in criminal cases.**

1 In criminal cases husband and wife shall be allowed, and, subject to the rules of evidence  
2 governing other witnesses, may be compelled to testify in behalf of each other, but neither shall  
3 be compelled, nor, without the consent of the other, allowed to be called as a witness against the  
4 other except in the case of a prosecution for an offense committed by one against the other, or  
5 against the child, grandchild, father, mother, sister or brother of either of them, or minor, as defined  
6 in §2-2-10 of this code, or any person deemed incompetent by mental disease, defect, or other  
7 disability. The failure of either husband or wife to testify, however, shall create no presumption  
8 against the accused, nor be the subject of any comment before the court or jury by anyone.



The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....  
*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect ninety days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2024.

.....  
*Governor*