

*surety bond in an amount fixed and approved by the court. The condition of the bond shall be that the petitioner has made a full, true, and correct disclosure of all the facts related in the petition and will perform the terms of the decree issued pursuant thereto. Any interested party suffering damages as a result of misrepresentation or negligence of the petitioner in stating facts in the petition pursuant to which an improper decree is issued, or the terms of the decree are not performed by the petitioner as required, shall have a cause of action against the petitioner and his surety to recover such damages in the court wherein such proceeding was had which is hereby granted jurisdiction thereof.*

Approved June 6, 1969.

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CHAPTER 1010—H. F. No. 957

*An act relating to the competency of witnesses; amending Minnesota Statutes 1967, Section 595.02.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 595.02, is amended to read:

**595.02 Witnesses; competency.** Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other *or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense*, nor to an action or proceeding for ~~abandonment and non-support, neglect, dependency, or termination of parental rights of the wife or children by the husband;~~

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his

**Changes or additions indicated by italics, deletions by strikeout.**

advice given thereon in the course of professional duty; nor can any employee of such attorney be examined as to such communication or advice, without the client's consent;

(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of such person;

(4) A licensed physician or surgeon, or dentist shall not, *without the consent of his patient*, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of such patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of such deceased person for the purpose of waiving the privilege hereinbefore created, and no oral or written waiver of the privilege hereinbefore created shall have any binding force or effect except that the same be made upon the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses.

Approved June 6, 1969.

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#### CHAPTER 1011—H. F. No. 982

[Coded]

*An act relating to education; requiring publication of school district budgets.*

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**