

ASSAULT IN ANY DEGREE, THE CLERK SHALL CHECK THE RECORD TO DETERMINE WHETHER THE DEFENDANT'S SPOUSE REFUSED TO TESTIFY ON THE BASIS OF THE PROVISIONS OF THIS SECTION.

(3) IF THE RECORD SHOWS SUCH REFUSAL, THE CLERK SHALL MAKE AND MAINTAIN A SEPARATE RECORD OF THE REFUSAL, INCLUDING THE DEFENDANT'S NAME, THE SPOUSE'S NAME, THE CASE FILE NUMBER, A COPY OF THE CHARGING DOCUMENT, AND THE DATE OF THE TRIAL IN WHICH THE SPOUSE REFUSED TO TESTIFY.

(4) THE SEPARATE RECORD SPECIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

(I) IS NOT SUBJECT TO EXPUNGEMENT UNDER ARTICLE 27, §§ 735 THROUGH 741 OF THE CODE; AND

(II) SHALL BE AVAILABLE ONLY TO THE COURT, A STATE'S ATTORNEY'S OFFICE, AND AN ATTORNEY FOR THE DEFENDANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.

Approved May 8, 1997.

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**CHAPTER 309**

**(Senate Bill 167)**

AN ACT concerning

**Vehicle Laws – Seat Belt Offenses – Enforcement**

FOR the purpose of repealing a provision of law that limits a police officer to enforcing a violation of certain mandatory seat belt use laws only as a secondary action when the police officer detains a driver suspected of violating another provision of law; making stylistic changes; and generally relating to the enforcement of laws requiring the use of seat belts.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 22-412.3  
Annotated Code of Maryland  
(1992 Replacement Volume and 1996 Supplement)

Preamble

WHEREAS, It is the intent of the General Assembly to strengthen the enforcement of mandatory seat belt use laws in order to increase the survival rates of individuals involved in vehicular accidents on Maryland's highways, reduce the severity of vehicular