WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED
Comm. Sub. for
HOUSE BILL No. 713

(By Mr. Stanley)

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Passed February 24, 1981

In Effect Ninety Days From Passage
AN ACT to amend article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to privileged communications between clergyman and parties to actions.

Be it enacted by the legislature of West Virginia:

That article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:

ARTICLE 2. DIVORCE, ANNULMENT AND SEPARATE MAINTENANCE.

§48-2-10a. Communications between clergyman and party.

1 In any action brought pursuant to the provisions of this article, no priest, minister, rabbi or other clergyman, as defined in section twelve-a of article one of this chapter, of any religious denomination or organization who is not a party to said action shall be compelled to testify regarding any com-
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6 communications or statements made to such clergyman in his
capacity as spiritual counselor or spiritual adviser by a party
to said action, if (a) both the clergyman and the party making
such communications or statements claim that the communi-
cations or statements were made to the clergyman in his
capacity as a clergyman and spiritual counselor or spiritual
adviser to such party; and (b) no person, other than the
clergyman, such party and the spouse of such party, was
present when such communications or statements were made;
and (c) the party making such communications or statements
does not either consent to their disclosure or otherwise waive
the privilege granted by this section: Provided, That the
privilege granted by this section shall be in addition to and
not in derogation of any other privileges recognized by law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Tony E. Whitlow

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

President of the Senate

Speaker House of Delegates

The within is approved this the 4th day of March, 1981.

Governor