

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Committee Substitute for
SENATE BILL NO. 61

(By Senator *Shoffe, et al*)



PASSED March 10 1990

In Effect *90 days from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 61

(BY SENATORS WOLFE, BOLEY, HARMAN, JACKSON, WHITLOW,
THOMAS, HECK, HELMICK, SHARPE, WARNER AND WIEDEBUSCH,
original sponsors)

[Passed March 10, 1990; in effect ninety days from passage.]

AN ACT to amend article three, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nine, relating to authorized priests, nuns, members of the clergy or rabbis not being compelled to testify in criminal, grand jury or domestic relations proceedings as to communications made to them in their professional capacities.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. COMPETENCY OF WITNESSES.

**§57-3-9. Communications to priests, nuns, clergymen, rabbis
or other religious counselors not subject to
being compelled as testimony.**

1 No priest, nun, rabbi or member of the clergy
2 authorized to celebrate the rites of marriage in this
3 state pursuant to the provisions of article one, chapter

4 forty-eight of this code shall be compelled to testify in
5 any criminal or grand jury proceedings or in any
6 domestic relations action in any court of this state:

7 (1) With respect to any confession or communication,
8 made to such person, in his or her professional
9 capacity in the course of discipline enjoined by the
10 church or other religious body to which he or she
11 belongs, without the consent of the person making
12 such confession or communication; or

13 (2) With respect to any communication made to such
14 person, in his or her professional capacity, by either
15 spouse, in connection with any effort to reconcile
16 estranged spouses, without the consent of the spouse
17 making the communication. This subsection is in
18 addition to the protection and privilege afforded
19 pursuant to section ten-a, article two, chapter forty-
20 eight of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Fredrick J. Perne
.....
Chairman Senate Committee

Brian V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harold E. Blane
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

William Smith
.....
President of the Senate

Robert C. Auburn
.....
Speaker House of Delegates

The within is approved this the *15th* day of *March* 1990.

Anton Caproni
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/16/90

Time 3:50 PM

RECEIVED

1990 MAR 26 PM 3:01
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE