WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

ENROLLED

HOUSE BILL No. H.B. 92

(By Delegates Roop and Ashley)

Passed March 7, 1992

In Effect Ninety Days From Passage
AN ACT to amend and reenact section nine, article three, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to competency of witnesses; and prohibiting priests, nuns, rabbis, Christian Science practitioners and members of the clergy from being compelled to testify in criminal or domestic relations proceedings as to communications made to them in their professional capacities.

Be it enacted by the Legislature of West Virginia:

That section nine, article three, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. COMPETENCY OF WITNESSES.

§57-3-9. Communications to priests, nuns, clergy, rabbis, Christian Science practitioners or other religious counselors not subject to being compelled as testimony.

1 No priest, nun, rabbi, duly accredited Christian
2 Science practitioner or member of the clergy authorized
3 to celebrate the rites of marriage in this state pursuant
4 to the provisions of article one, chapter forty-eight of
5 this code shall be compelled to testify in any criminal
6 or grand jury proceedings or in any domestic relations
7 action in any court of this state:
(1) With respect to any confession or communication, made to such person, in his or her professional capacity in the course of discipline enjoined by the church or other religious body to which he or she belongs, without the consent of the person making such confession or communication; or

(2) With respect to any communication made to such person, in his or her professional capacity, by either spouse, in connection with any effort to reconcile estranged spouses, without the consent of the spouse making the communication. This subsection is in addition to the protection and privilege afforded pursuant to section ten-a, article two, chapter forty-eight of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the ____________ day of ___________ 1992.

Governor