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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

HOUSE BILL No. H.192

(By Delegates Roop and Ashley)



Passed March 7, 1992

In Effect Ninety Days From Passage

ENROLLED
H. B. 4192

(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:

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

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

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

Thomas Sleek

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Passell
Clerk of the Senate

Donald G. Kopf

Clerk of the House of Delegates

Keith Burdette
President of the Senate

Robt. Cole

Speaker of the House of Delegates

The within *is approved* this the *30th* day of *March* 1992.

Yaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/92

Time 11:40am