

SENATE BILL NO. 990

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on _____)

(Patron Prior to Substitute--Senator Peake)

A BILL to amend and reenact §§ 8.01-400 and 19.2-271.3 of the Code of Virginia, relating to communications between ministers of religion and persons they counsel or advise.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-400 and 19.2-271.3 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-400. Communications between ministers of religion and persons they counsel or advise (Supreme Court Rule 2:503 derived in part from this section).

~~No~~ Except at the request or with the consent of the person who sought spiritual counsel or advice and provided that the requested communication or information to be disclosed is not required by the doctrine of the religious organization or denomination to be kept in a confidential manner, no regular minister, priest, rabbi, or accredited practitioner over the age of ~~eighteen~~ 18 years, of any religious organization or denomination usually referred to as a church, shall be required to give testimony as a witness or to relinquish notes, records, or any written documentation made by such person, or disclose the contents of any such notes, records, or written documentation, in discovery proceedings in any civil action ~~which that~~ would disclose any information communicated to him in a confidential manner, properly entrusted to him in his professional capacity, and necessary to enable him to discharge the functions of his office according to the usual course of his practice or discipline, wherein such person so communicating such information about himself or another is seeking spiritual counsel and advice relative to and growing out of the information so imparted. Any communication or information that is required by the doctrine of the religious organization or denomination to be kept in a confidential manner shall not be disclosed.

§ 19.2-271.3. Communications between ministers of religion and persons they counsel or advise (Supreme Court Rule 2:503 derived in part from this section).

27 ~~No~~Except at the request or with the consent of the person who sought spiritual counsel or advice
28 and provided that the requested communication or information to be disclosed is not required by the
29 doctrine of the religious organization or denomination to be kept in a confidential manner, no regular
30 minister, priest, rabbi, or accredited practitioner over the age of ~~eighteen~~ 18 years, of any religious
31 organization or denomination usually referred to as a church, shall be required in giving testimony as a
32 witness in any criminal action to disclose any information communicated to him by the accused in a
33 confidential manner, properly entrusted to him in his professional capacity, and necessary to enable him
34 to discharge the functions of his office according to the usual course of his practice or discipline, where
35 such person so communicating such information about himself or another is seeking spiritual counsel and
36 advice relative to and growing out of the information so imparted. Any communication or information
37 that is required by the doctrine of the religious organization or denomination to be kept in a confidential
38 manner shall not be disclosed.

39 #