

1 **OVERTURE 2021-20 (48th GA)** from Pacific Northwest Presbytery (to 49th OC)
2 “Amend *BCO* 31-10 and 33-4 on Pre-trial Non-Disciplinary Suspensions”
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4 **[Editorial Note: This overture was originally submitted to the 48th General**
5 **Assembly (2021), which referred it to the 49th GA Overtures Committee.]**
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7 **Be it resolved** that *BCO* 31-10 and *BCO* 33-4 be amended by addition, as follows (underlining
8 for additional wording):
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10 ***BCO 31-10.*** When a member of a church court is under process, all his official
11 functions may be suspended at the court’s discretion; but this shall never be
12 done in the way of censure, and this requires a three-fourths (3/4) majority.
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14 ***BCO 33-4.*** When it is impracticable immediately to commence process against
15 an accused church member, the Session may, if it thinks the edification of the
16 Church requires it, prevent the accused from approaching the Lord’s Table until
17 the charges against him can be examined, but this requires a three-fourths (3/4)
18 majority.
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20 **Rationale:**

- 21 1. Indictment only requires a simple majority, but the bar should be higher for a court to
22 "administratively" suspend someone from office or from the Lord's Table *prior* to the
23 accused even presenting a defense. Granted, the court should retain this option when it is
24 clearly warranted, but when it is warranted it should be clear to a three-fourths majority.
25 To help ensure that a non-disciplinary suspension from office is "*never* done in the way
26 of censure," it should require a three-fourths (3/4) majority.
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- 28 2. This is particularly important because the *BCO* does not stipulate a deadline for the court
29 to conduct the trial.
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- 31 3. Furthermore, because it is not possible for a higher/appellate court to promptly review
32 whether such a non-censure suspension is actually "not done in the way of censure," or
33 whether "the edification of the Church requires it," the 3/4 majority will help ensure that
34 a non-disciplinary suspension is clearly warranted.
35
- 36 4. Ministers – While a Presbytery cannot impose a pre-trial suspension from office "in the
37 way of censure," it would certainly *feel* like a censure to a defendant who is a minister,
38 and likely have a similar effect. And unless his church can afford to pay him *and* his
39 temporary replacement, the non-disciplinary suspension would almost certainly impact
40 his salary and his family's finances (unlike church members or elders under similar non-
41 disciplinary suspensions).
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- 43 5. Below are a few other things for which the *BCO* requires a three-fourths (3/4) Presbytery
44 majority. A pre-trial suspension should also be placed in this super-majority category.
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1 19-16. Where circumstances warrant, a Presbytery may approve previous
2 experience which is equivalent to internship. This equivalency shall be
3 decided by a three-fourths (3/4) vote of Presbytery at any of its regular
4 meetings.

5 21-4. No Presbytery shall omit any of these parts of trial for ordination except
6 in extraordinary cases, and then only with three-fourths (3/4) approval
7 of Presbytery.

8 21-4.a. No Presbytery shall omit any of these [ordination] educational
9 requirements except in extraordinary cases, and then only with a three-
10 fourths (3/4) approval of the Presbytery.

11 21-4.c. [An ordination candidate] shall further be required to preach a sermon
12 before the Presbytery or committee thereof, upon three-fourths (3/4)
13 vote.

14 34-8. ...The removal of deposition requires a three-fourths (3/4) vote of the
15 court inflicting the censure, or a three-fourths (3/4) vote of the court to
16 which the majority of the original court delegates that authority.

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18 *Proposed to the Pacific Northwest Presbytery at its stated meeting on January 24, 2020*

19 *Final version adopted by an Administrative Commission of Presbytery on April 8, 2020*

20 *Attested by /s/ TE Nathan Chambers, interim stated clerk*