

1 **OVERTURE 8** from Houston Metro Presbytery (to CCB, OC)
2 “Amend *BCO* 33-1 and *BCO* 34-1 Establishing Percentage Threshold for
3 Original Jurisdiction Requests”
4

5 **Be it resolved** that *BCO* 33-1 and 34-1 be amended as follows (~~strike-through~~ for deletions,
6 underlining for new wording):
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8 **33-1.** Process against ~~all a church members, other than ministers of the~~
9 ~~Gospel,~~ shall be entered before the Session of the church to which such
10 members belongs, ~~except in cases of appeal.~~ However, if the Session ~~refuses~~
11 ~~to act in doctrinal cases or instances of public scandal and two other~~ Sessions
12 of at least ten percent (10%) of churches in the same Presbytery request the
13 Presbytery of which the church is a member to ~~initiate proper or appropriate~~
14 ~~action in a case of process and thus~~ assume original jurisdiction for a case of
15 process (to first receive and initially hear and determine) and authority, the
16 Presbytery shall do so.
17

18 **34-1.** Process against a minister shall be entered before the Presbytery of
19 which he is a member. However, if ~~the Presbytery refuses to act in doctrinal~~
20 ~~cases or cases of public scandal and two other~~ at least ten percent (10%) of
21 Presbyteries request the General Assembly to assume original jurisdiction for
22 a case of process (to first receive and initially hear and determine), the General
23 Assembly shall do so.
24

25 So that *BCO* 33-1 and 34-1, as amended, would read:

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27 **33-1.** Process against a church member shall be entered before the Session of
28 the church to which such member belongs. However, if the Sessions of at least
29 ten percent (10%) of churches in the same Presbytery request the Presbytery of
30 which the church is a member to assume original jurisdiction for a case of
31 process, the Presbytery shall do so.
32

33 **34-1.** Process against a minister shall be entered before the Presbytery of
34 which he is a member. However, if at least ten percent (10%) of Presbyteries
35 request the General Assembly to assume original jurisdiction for a case of
36 process, the General Assembly shall do so
37

38 **RATIONALE:**
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40 *BCO* 34-1 is a provision that first appears in the PCA *BCO* and has no exact precedent in
41 historical Presbyterian Books of Order. In the few instances in which it has been invoked,
42 there has been great confusion concerning how to apply it. There is no clear standard for
43 “refuses to act” nor is there a clear definition of “doctrinal cases or cases of public scandal,”
44 leading to uncertainty and conflict in applying the provision. The amendment removes these
45 provisions to bring about greater clarity and more precise application.

1 In our denomination of 88 Presbyteries, a case that requires the assumption of original
2 jurisdiction by the General Assembly should require greater threshold than the current
3 standard of only two Presbyteries (2% of all Presbyteries). The amendment also allows for a
4 flexible standard as the number of Presbyteries increases in the future.

5
6 *BCO 33-1* is essentially the same provision as *34-1* at the lower court level, with Sessions
7 requesting a Presbytery to assume original jurisdiction. It has been an anomaly that the
8 language of *33-1* has been different from that of *34-1*. The amendment makes changes to bring
9 them into conformity with each other.

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11 *Adopted by Houston Metro Presbytery at its stated meeting, January 21, 2022*

12 *Attested by /s/ TE Luis Veiga, stated clerk*