

1 **OVERTURE 27** from Potomac Presbytery (to CCB, OC)
2 “Amend *BCO* 15-1 and 15-3 To Clarify Role of Presbytery Commission”
3

4 [Note: This overture is identical to Overture 25.]
5

6 **Be it resolved** that *BCO* 15-1 and 15-3 be amended as follows (strike-through for deletions,
7 underlining for new wording):
8

9 **15-1.** A commission differs from an ordinary committee in that while a
10 committee is appointed to examine, consider and report, a commission is
11 authorized to deliberate upon and conclude the business referred to it, ~~except in~~
12 ~~the case of judicial commissions of a Presbytery appointed under *BCO* 15-3.~~ A
13 commission shall keep a full record of its proceedings, which shall be submitted
14 to the court appointing it. Upon such submission this record shall be entered
15 on the minutes of the court appointing, the date of the submission being the date
16 of “the meeting of the court” for the filing requirements of a complaint under
17 *BCO* 43-2. ~~except in the case of a presbytery commission serving as a session~~
18 ~~or a judicial commission as set forth in *BCO* 15-3.~~ The effective date of
19 dismissal of a commission of session or presbytery shall be not before the time
20 allowed for the filing of a complaint or appeal against that commission’s
21 decision has expired. Any complaint or appeal so timely filed, shall be
22 adjudicated by that commission until the matter is settled by the highest court.
23 When a commission is appointed to serve as an interim Session, its actions are
24 the actions of a Session, not a Presbytery. Every commission of a Presbytery
25 or Session must submit complete minutes and a report of its activities at least
26 once annually to the court which commissioned it.
27

28 **15-3.** Presbytery as a whole may ~~try a judicial case within its jurisdiction~~
29 ~~(including the right to refer any strictly constitutional issue to a study committee~~
30 ~~with options listed below),~~ hear a case, with or without process (*BCO* 31-38), a
31 reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO* 40-5
32 proceeding, or a request to assume original jurisdiction (*BCO* 33-1) properly
33 before it, or it may of its own motion commit ~~any judicial~~ such a case to a
34 commission. Such a commission shall be appointed by the Presbytery from its
35 members other than members of the Session of the church from which the case
36 comes up. The commission shall try the case in the manner presented by the
37 Rules of Discipline and shall submit to the Presbytery a full statement of the
38 case and the judgment rendered. ~~The Presbytery without debate shall approve~~
39 ~~or disapprove of the judgment, or may refer, (a debatable motion), any strictly~~
40 ~~constitutional issue(s) to a study committee.~~ In case of referral, the Presbytery
41 shall either dismiss some or all of the specific charges raised in the case or
42 decide the case only after the report of the study committee has been heard and
43 discussed. ~~If Presbytery approves, the~~ The judgment of the commission shall
44 be final and shall be entered on the minutes of Presbytery as the action the
45 decision of the Presbytery, and the statement of the case and judgment printed

1 ~~in its minutes. If Presbytery disapproves, it shall hear the case as a whole, or~~
2 ~~appoint a new commission to hear the case again.~~
3

4 So that *BCO* 15-1 and 15-3, as amended, would read:
5

6 **15-1.** A commission differs from an ordinary committee in that while a
7 committee is appointed to examine, consider and report, a commission is
8 authorized to deliberate upon and conclude the business referred to it. A
9 commission shall keep a full record of its proceedings, which shall be submitted
10 to the court appointing it. Upon such submission this record shall be entered
11 on the minutes of the court appointing, the date of the submission being the date
12 of “the meeting of the court” for the filing requirements of a complaint under
13 *BCO* 43-2. The effective date of dismissal of a commission of session or
14 presbytery shall be not before the time allowed for the filing of a complaint or
15 appeal against that commission’s decision has expired. Any complaint or appeal
16 so timely filed, shall be adjudicated by that commission until the matter is
17 settled by the highest court. When a commission is appointed to serve as an
18 interim Session, its actions are the actions of a Session, not a Presbytery. Every
19 commission of a Presbytery or Session must submit complete minutes and a
20 report of its activities at least once annually to the court which commissioned
21 it.
22

23 **15-3.** Presbytery as a whole may hear a case, with or without process (*BCO* 31-
24 38), a reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO*
25 40-5 proceeding, or a request to assume original jurisdiction (*BCO* 33-1)
26 properly before it, or it may of its own motion commit such a case to a
27 commission. Such a commission shall be appointed by the Presbytery from its
28 members other than members of the Session of the church from which the case
29 comes up. The commission shall try the case in the manner presented by the
30 Rules of Discipline and shall submit to the Presbytery a full statement of the
31 case and the judgment rendered. The judgment of the commission shall be the
32 decision of the Presbytery, and the statement of the case and judgment printed
33 in its minutes.
34

35 **RATIONALE:**

36 The current provision in *BCO* 15 that requires a Presbytery to ratify the decision of a
37 judicial commission formed under *BCO* 15-3 is an anomaly that has been a source of
38 confusion and misapplication by Presbyteries. Presbyteries have not infrequently
39 violated the *BCO* 15-3 mandate to approve or disapprove of the commission’s judgment
40 “without debate.”
41

42 *BCO* 15-3 creates an ecclesiastical commission that is unlike any other commission.
43 The actions of such a commission are not final and require ratification. This runs
44 counter to the entire purpose of a commission, which is to “deliberate upon and

1 conclude the business referred to it” (BCO 15-1). The amendment standardizes the
2 work of all commissions, regardless of the appointing court.

3

4 If a Presbytery wishes to have final approval in a judicial matter, it may still do so, by
5 appointing a judicial *committee* to conduct a trial and report back to the Presbytery.

6

7 Because there can be confusion as to which entity should hear a complaint against the
8 action of a commission (whether judicial or otherwise), the amendment makes clear
9 that an ecclesiastical commission should not be dismissed before the time for a
10 complaint has run (BCO 43-1 and 43-2).

11

12 *Approved by Potomac Presbytery at its stated meeting, March 19, 2022*

13 *Attested by /s/ RE Charles D. Robinson, stated clerk*