

1 **OVERTURE 35** from the Illiana Presbytery (to CCB, OC)
2 “Amend *BCO* 31-2 to Establish a Deadline for the Issuing of an Indictment”
3

4 **Whereas**, Scripture teaches that justice should be administered promptly and without
5 unnecessary delay (Ecclesiastes 8:11; Deuteronomy 16:19–20); and
6

7 **Whereas**, prolonged investigations without resolution can cause unnecessary harm to the
8 peace, purity, and unity of the Church, as well as to the reputations and ministries of
9 those involved; and
10

11 **Whereas**, the current language of *BCO* 31-2 provides for investigation and indictment but
12 does not specify a time frame for the issuance of an indictment after sufficient
13 evidence is found; and
14

15 **Whereas**, providing a reasonable deadline for the issuance of an indictment will encourage
16 diligence, promote fairness, and prevent further injustice in the courts of the church;
17 and
18

19 **Whereas**, the language of this amendment derives partially from the same language of *BCO*
20 42-7 when a clerk fails to submit “the Record of the Case” to a higher court,
21

22 **Therefore, be it resolved** that the following amendment be made to *BCO* 31-2 (underlining
23 for additions):
24

25 **31-2.** If such investigation, however originating, should result in raising a strong
26 presumption of the guilt of the party involved, the court shall institute process, and
27 shall appoint a prosecutor to prepare the indictment and to conduct the case. The
28 prosecutor shall draft the indictment promptly, and the indictment shall be filed with
29 the clerk of the court within sixty (60) days following the meeting of the court. This
30 prosecutor shall be a member of the court, except that in a case before the Session, he
31 may be any communing member of the same congregation with the accused. If the
32 prosecutor neglects to file an indictment, he shall receive proper rebuke by the court
33 and shall be dismissed from his duties as the prosecutor of the case, and the court
34 shall appoint a new prosecutor to prepare an indictment and to conduct the case.
35

36
37 *Adopted by the Illiana Presbytery at its stated meeting, January 17, 2026.*

38 *Attested by TE Scott Edburg, Stated Clerk*