

1 **OVERTURE 7** from Missouri Presbytery (to CCB and OC)
2 “Amend *BCO* 15-3 Regarding Judicial Investigations”
3

4 **Whereas** our *BCO* currently allows presbyteries to establish commissions to “deliberate
5 upon and conclude the business referred to it” (*BCO* 15-1); and
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7 **Whereas** the *BCO* expects that such a commission’s work is merely reported to Presbytery
8 rather than approved by Presbytery as a whole (the commission must keep a “full
9 record of its proceedings, which shall be submitted to the court appointing it” and
10 then this record is received by entering it “on the minutes of the court appointing
11 [it]” (*BCO* 15-1); and
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13 **Whereas** the *BCO* makes an exception for this process in the case of a presbytery
14 commission serving as a Session or a judicial commission acting in line with *BCO*
15 15-3; and
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17 **Whereas** the *BCO* is unclear how the reports of committees or commissions formed under
18 the direction of *BCO* 31-2 (negative reports concerning the Christian character of a
19 member of Presbytery) ought to be received by presbytery; and
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21 **Whereas** it appears that the types of committees or commissions contemplated by *BCO* 31-2
22 are inherently judicial because they investigate reports which affect the Christian
23 character of church officers and determine whether process should be initiated; and
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25 **Whereas** our current procedures provide no opportunity for presbytery to vote upon the
26 actions of this kind of apparently judicial committee or commission formed under
27 *BCO* 31-2; and
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29 **Whereas** the work of a commission *should* be reviewed by the whole Presbytery for
30 ratification or rejection in cases envisioned in *BCO* 31-2 where a man’s character,
31 reputation, and usefulness to the church are at stake;
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33 **Therefore, let it be resolved** that *BCO* 15-3 be amended to read (additions in bold):
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35 **15-3.** Presbytery as a whole may try a judicial case within its jurisdiction
36 (including the right to refer any strictly constitutional issue to a study
37 committee with options listed below), or it may of its own motion commit any
38 judicial case to a commission. Such a commission shall be appointed by the
39 Presbytery from its members other than members of the Session of the church
40 from which the case comes up. The commission shall try the case in the
41 manner presented by the Rules of Discipline and shall submit to the
42 Presbytery a full statement of the case and the judgment rendered. The
43 Presbytery without debate shall approve or disapprove of the judgment, or
44 may refer, (a debatable motion), any strictly constitutional issue(s) to a study
45 committee. In case of referral, the Presbytery shall either dismiss some or all

1 of the specific charges raised in the case or decide the case only after the
2 report of the study committee has been heard and discussed. If Presbytery
3 approves, the judgment of the commission shall be final and shall be entered
4 on the minutes of Presbytery as the action. If Presbytery disapproves, it shall
5 hear the case as a whole, or appoint a new commission to hear the case again.
6 **Cases where reports affecting Christian character warrant an**
7 **investigation, according to BCO 31-2, are judicial in nature and shall be**
8 **considered judicial cases to be investigated by a committee or**
9 **commission.**

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11 *Adopted by Missouri Presbytery at the stated meeting on January 15, 2008*

12 *Attested by /s/ TE David R. Stain, Stated Clerk*