

1 **OVERTURE 17** from Houston Metro Presbytery (to CCB, OC)
2 “Amend *BCO* 32-8 to Allow for Video Testimony by Witnesses”
3

4 **Whereas**, an important aspect of any case of process is the gathering and presenting of
5 evidence, including testimony produced by witnesses;
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7 **Whereas**, testimony by witnesses before the court can be inconvenient due to geographic
8 distance or other circumstances;
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10 **Whereas**, it is important that witnesses be examined with an opportunity to be cross-examined
11 by both parties (*cf. BCO* 32-13); and
12

13 **Whereas**, technology has made available the possibility of having a virtual presence with
14 video and audio interaction even when a person is geographically distant from a
15 meeting or court room, and the courts of the civil magistrate allow for video testimony
16 by witnesses;
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18 **Therefore, be it resolved**, that the General Assembly of the Presbyterian Church in America
19 amend *BCO* 32-8 with the following (additions are underlined, deletions are struck
20 through):
21

22 **32-8.** When the offense with which an accused person stands charged took
23 place at a distance, ~~and~~ or it is inconvenient for the witnesses to appear before
24 the court having jurisdiction, that court may either (a) appoint a commission of
25 its body, or (b) request the coordinate court contiguous to the place where the
26 facts occurred, to take the testimony for it, or (c) have the testimony taken by
27 videoconference, which shall employ technical means that ensure that all
28 persons participating in the meeting can see and hear each other at the same
29 time, and which allows for live cross-examination by both parties. The accused
30 shall always have reasonable notice of the time and place of the meeting of this
31 commission or coordinate court.
32

33 *Adopted by Houston Metro Presbytery at its stated meeting, January 18, 2019*

34 *Attested by /s/ TE Lou Veiga, stated clerk*