

2022-2023
BCO AMENDMENTS SENT DOWN TO PRESBYTERIES
BY THE 49th GENERAL ASSEMBLY
FOR VOTING, and for ADVICE AND CONSENT

NOTE: The Stated Clerk's Office sends the proposed amendments only in their final form, as approved by the General Assembly.

ITEM 1: Amend BCO 7 to disqualify from office men describing themselves as homosexual. [Overture 15 was answered in the affirmative as amended.]

The proposed new paragraph *BCO 7-4* would read as follows:

BCO 7.

4. Men who describe themselves as homosexual, even those who describe themselves as homosexual and claim to practice celibacy by refraining from homosexual conduct, are disqualified from holding office in the Presbyterian Church in America.

ITEM 2: Amend BCO 8 by the addition of a new paragraph, 8-8, adding chaplain endorsement requirements and recommendations; and **renumber** the following paragraphs accordingly. [Overture 28 was answered in the affirmative as amended.]

8-8. A Presbytery may, at its discretion, approve the call of a teaching elder to work as a Chaplain whether military or civilian, with an organization outside the jurisdiction of the Presbyterian Church in America, provided that he be engaged in preaching and teaching the Word, that the Presbytery be assured he will have full freedom to maintain and teach the doctrine of our Church, and that he reports at least annually on his work. The Chaplain may be appointed to the work of an evangelist when serving as a Chaplain. Teaching elders ministering as paid or volunteer chaplains are strongly encouraged to seek and obtain their Ecclesiastical Endorsement from the endorsing agency authorized by the General Assembly for such purpose.

8-89. As there were in the Church under the law, elders of the people for the government thereof, so in the Gospel Church, Christ has furnished others besides ministers of the Word with gifts and commission to govern when called thereunto, who are called *ruling elders*.

8-910. Elders being of one class of office, ruling elders possess the same authority and eligibility to office in the courts of the Church as teaching elders. They should, moreover, cultivate zealously their own aptness to teach the Bible and should improve every opportunity of doing so.

ITEM 3: Amend BCO 15-1 and 15-3 to clarify the role of a Presbytery commission.
[Overture 25 was answered in the affirmative as amended.]

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider, and report, a commission is authorized to deliberate upon and conclude the business referred to it, ~~except in the case of judicial commissions of a Presbytery appointed under BCO 15-3.~~ A commission shall keep a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, the date of the submission being the date of “the meeting of the court” for filing requirements under the rules of discipline, with exception of the “notification” dates of BCO 42-4 and 43-3, except in the case of a presbytery commission serving as a session or a judicial commission as set forth in BCO 15-3. The effective date of dismissal of a commission of Session or Presbytery shall be not before the time allowed for the filing of a complaint or appeal against that commission’s decision has expired. Any complaint or appeal so timely filed, shall be adjudicated by that commission until the matter is settled by the that commission or a higher court. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

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

So that BCO 15-1 and 15-3 as amended would read:

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider, and report, a commission is authorized to deliberate upon and conclude the business referred to it. A commission shall keep

a full record of its proceedings, which shall be submitted to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, the date of the submission being the date of “the meeting of the court” for filing requirements under the rules of discipline, with exception of the “notification” dates of *BCO* 42-4 and 43-3. The effective date of dismissal of a commission of Session or Presbytery shall be not before the time allowed for the filing of a complaint or appeal against that commission’s decision has expired. Any complaint or appeal so timely filed, shall be adjudicated by that commission until the matter is settled by that commission or a higher court. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

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

ITEM 4: Amend *BCO* 16 by adding 16-4 regarding qualifications for church office.
[Overture 29 was answered in the affirmative as amended.]

***BCO* 16.**

4. Officers in the Presbyterian Church in America must be above reproach in their walk and Christlike in their character. While office bearers will see spiritual perfection only in glory, they will continue in this life to confess and to mortify remaining sins in light of God’s work of progressive sanctification. Therefore, to be qualified for office, they must affirm the sinfulness of fallen desires, the reality and hope of progressive sanctification, and be committed to the pursuit of Spirit-empowered victory over their sinful temptations, inclinations, and actions.

ITEM 5: Amend BCO 21-4 and 24-1 by adding the following paragraphs regarding requirements for ordination:

- a new sub-paragraph 21-4.e and the re-lettering of subsequent sub-paragraphs 21-4.e-h to 21-4.f-i; and
- a new second paragraph to 24-1.

[Overture 31 was answered in the affirmative as amended.]

BCO 21.

4. Ordination Requirements and Procedures

- e. In the examination of the candidate's personal character, the presbytery shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The candidate must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, the candidate must exercise great care not to diminish the seriousness of those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in his progress in holiness (1 Cor. 6:9-11).

Reletter current paragraphs 21-4.e-h to 21-4.f-i

BCO 24.

1. Every church shall elect persons to the offices of ruling elder and deacon in the following manner: At such times as determined by the Session, communicant members of the congregation may submit names to the Session, keeping in mind that each prospective officer should be an active male member who meets the qualifications set forth in 1 Timothy 3 and Titus 1. After the close of the nomination period nominees for the office of ruling elder and/or deacon shall receive instruction in the qualifications and work of the office. Each nominee shall then be examined in:

- a. his Christian experience, especially his personal character and family management (based on the qualifications set out in 1 Timothy 3:1-7 and Titus 1:6-9),
- b. his knowledge of Bible content,
- c. his knowledge of the system of doctrine, government, discipline contained in the Constitution of the Presbyterian Church in America (*BCO* Preface III, *The Constitution Defined*),
- d. the duties of the office to which he has been nominated, and
- e. his willingness to give assent to the questions required for ordination. (*BCO* 24-6)

In the examination of the nominee's personal character, the Session shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The nominee must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make

progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, the nominee must exercise great care not to diminish the seriousness of those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy in his progress in holiness (1 Cor. 6:9-11).

So that *BCO* 21-4.e and 24-1 as amended would read:

21-4. Ordination Requirements and Procedures

- e. In the examination of the candidate's personal character, the presbytery shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The candidate must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, the candidate must exercise great care not to diminish the seriousness of those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in his progress in holiness (1 Cor. 6:9-11).

24-1. (following 24-1.a-e)

In the examination of the nominee's personal character, the Session shall give specific attention to potential notorious concerns. Careful attention must be given to his practical struggle against sinful actions, as well as to persistent sinful desires. The nominee must give clear testimony of reliance upon his union with Christ and the benefits thereof by the Holy Spirit, depending on this work of grace to make progress over sin (Psalm 103:2-5, Romans 8:29) and to bear fruit (Psalm 1:3, Gal. 5:22-23). While imperfection will remain, when confessing sins and sinful temptations publicly, the nominee must exercise great care not to diminish the seriousness of those sins in the eyes of the congregation, as though they were matters of little consequence, but rather should testify to the work of the Holy Spirit in his progress in holiness (1 Cor. 6:9-11).

ITEM 6: Amend *BCO* 31-10 and 33-4 on pre-trial non-disciplinary suspensions.

[Overture 2021-20 was answered in the affirmative as amended.]

***BCO* 31-10.** When a member of a church court is under process, all his official functions may be suspended at the court's discretion; but this shall never be done in the way of censure, and this requires a two-thirds (2/3) majority.

***BCO* 33-4.** When it is impracticable immediately to commence process against an accused church member, the Session may, if it thinks the edification of the Church requires it, prevent the accused from approaching the Lord's Table until the charges against him can be examined, but this requires a two-thirds (2/3) majority.

ITEM 7: Amend BCO 33-1 and 34-1, establishing a percentage threshold for Original Jurisdiction requests. [Overture 8 was answered in the affirmative as amended.]

33-1. Process against ~~all a church members, other than ministers of the Gospel,~~ shall be entered before the Session of the church to which such members belongs, ~~except in cases of appeal.~~ However, if the Session does not indict in either doctrinal cases or instances of public scandal and the Session refuses to act in doctrinal cases or instances of public scandal and two other Sessions of at least ten percent (10%) of churches in the same Presbytery request the Presbytery of which the church is a member to initiate proper or appropriate action in a case of process and thus assume original jurisdiction for a case of process (to first receive and initially hear and determine) and authority, the Presbytery shall do so. The Presbytery may assess the costs thereof equitably among the parties, including the petitioning Sessions and the Session of the church member.

34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, if the Presbytery does not indict in either doctrinal cases or instances of public scandal and the Presbytery refuses to act in doctrinal cases or cases of public scandal and two other at least ten percent (10%) of Presbyteries request the General Assembly to assume original jurisdiction for a case of process (to first receive and initially hear and determine), the General Assembly shall do so. The General Assembly may assess the costs thereof equitably among the parties, including the petitioning Presbyteries and the Presbytery of the minister.

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

33-1. Process against a church member shall be entered before the Session of the church to which such member belongs. However, if the Session does not indict in either doctrinal cases or instances of public scandal and the Sessions of at least ten percent (10%) of churches in the same Presbytery request the Presbytery of which the church is a member to assume original jurisdiction for a case of process, the Presbytery shall do so. The Presbytery may assess the costs thereof equitably among the parties, including the petitioning Sessions and the Session of the church member.

34-1. Process against a minister shall be entered before the Presbytery of which he is a member. However, if the Presbytery does not indict in either doctrinal cases or instances of public scandal and at least ten percent (10%) of Presbyteries request the General Assembly to assume original jurisdiction for a case of process, the General Assembly shall do so. The General Assembly may assess the costs thereof equitably among the parties, including the petitioning Presbyteries and the Presbytery of the minister.

ITEM 8: Amend BCO 35, paragraphs 1-5 to allow victim protection provisions, and renumber paragraphs 6-14 accordingly. [Overture 2021-40 was answered in the affirmative as amended.]

35-1. All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments. ~~The accused party may be allowed, but shall not be compelled to testify; but the accuser shall be required to testify, on the demand of the accused.~~ Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency. ~~It belongs to the court to judge the degree of credibility to be attached to all evidence.~~

35-2. The accused party is allowed, but shall not be compelled, to testify; but the accuser shall be required to testify, on the demand of the accused. A husband or wife shall not be compelled to bear testimony against one another in any court.

35-3. A court may, at the request of either party, or at its own initiative, make reasonable accommodation to prevent in-person contact with the accused:

a. The court may have testimony taken by videoconference.

The videoconference shall employ technical means that ensure that all persons participating in the meeting can see and hear each other at the same time, and which allows for live cross-examination by both parties.

b. The court may restrict the accused from appearing on the videoconference screen, and when the accused is represented by counsel (BCO 32-19), cross-examination shall be conducted by that counsel.

c. In all cases where such accommodation has been made, videoconference testimony by witnesses under the age of 18 shall be taken by written interrogatory to be read to the witness by a person appointed by the court in accordance with the applicable provisions of BCO 35-11.

d. The court shall include in the record of the proceedings its reasons for this accommodation and any objection from either party.

35-34. The testimony of more than one witness shall be necessary in order to establish any charge; yet if, in addition to the testimony of one witness, corroborative evidence be produced, the offense may be considered to be proved.

35-5. ~~Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the moderator, subject to an appeal to the court. The court shall not permit questions frivolous or irrelevant to the charge at issue. It belongs to the court to judge the degree of credibility to be attached to all evidence.~~ [Editorial note: In the current BCO, this sentence is the last sentence in 35-1.]

35-46. No witness afterwards to be examined, unless a member of the court, shall be present during the examination of another witness on the same case, if either party object.

35-57. Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the moderator, subject to an appeal to the court. The court shall not permit questions frivolous or irrelevant to the charge at issue. **[Editorial note: In the current BCO, this paragraph is 35-5 – no change in wording.]**

Renumber current BCO 35-6 through BCO 35-14 to read 35-8 through 35-15.

So that BCO 35-1 through 35-6 would read:

35-1. All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments. Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency.

35-2. The accused party is allowed, but shall not be compelled, to testify; but the accuser shall be required to testify, on the demand of the accused. A husband or wife shall not be compelled to bear testimony against one another in any court.

35-3. A court may, at the request of either party, or at its own initiative, make reasonable accommodation to prevent in-person contact with the accused:

- a. The court may have testimony taken by videoconference. The videoconference shall employ technical means that ensure that all persons participating in the meeting can see and hear each other at the same time, and which allows for live cross-examination by both parties.
- b. The court may restrict the accused from appearing on the videoconference screen, and when the accused is represented by counsel (*BCO 32-19*), cross-examination shall be conducted by that counsel.
- c. In all cases where such accommodation has been made, videoconference testimony by witnesses under the age of 18 shall be taken by written interrogatory to be read to the witness by a person appointed by the court in accordance with the applicable provisions of *BCO 35-11*.
- d. The court shall include in the record of the proceedings its reasons for this accommodation and any objection from either party.

35-4. The testimony of more than one witness shall be necessary in order to establish any charge; yet if, in addition to the testimony of one witness, corroborative evidence be produced, the offense may be considered to be proved.

35-5. It belongs to the court to judge the degree of credibility to be attached to all evidence.

35-6. No witness afterwards to be examined, unless a member of the court, shall be present during the examination of another witness on the same case, if either party object.

35-7. Witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. No question shall be put or answered except by permission of the moderator, subject to an appeal to the court. The court shall not permit questions frivolous or irrelevant to the charge at issue.

Renumber current BCO 35-6 through BCO 35-14 to read 35-8 through 35-15.

ITEM 9: Amend BCO 38-1, regarding counsel for a case without process, by the addition of a final sentence. [Overture 2021-35 was answered in the affirmative as amended.]

BCO 38-1. When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a full statement of the facts should be approved by the accused, and by the court, before the court proceeds to a judgment. The accused person has the right of complaint against the judgment. The person has the right to be assisted by counsel at any point, in accord with the stipulations of BCO 32-19.

ITEM 10: Amend BCO 38-1 and 42-2 to allow appealing a censure in a Case Without Process. [Overture 2021-19 was answered in the affirmative.]

BCO 38-1. When any person shall come forward and make his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process. In handling a confession of guilt, it is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as a basis of a judgment without process except by his consent. In the event a confession is intended, a full statement of the facts should be approved by the accused, and by the court, before the court proceeds to a judgment. ~~The accused has the right of complaint against the judgment.~~ A censured person has the right to appeal (BCO 42).

BCO 42-2. ~~Only~~ The only parties entitled to an appeal are those who have submitted to a regular trial, those appealing a censure in a BCO 38-1 case without process, and those appealing a BCO 34-10 divestiture without censure.

ITEM 11: Amend BCO 42-6 regarding vote required for maintaining censure during an appeal. [Overture 2021-21 was answered in the affirmative.]

BCO 42-6. Notice of appeal shall have the effect of suspending the judgment of the lower court until the case has been finally decided in the higher court. However, the court of original jurisdiction may, for sufficient reasons duly recorded, prevent the appellant from approaching the Lord's Table, and if an officer, prevent him from exercising some or all his official functions, until the case is finally decided (cf. BCO 31-10; 33-4). This shall never be done in the way of censure, and shall require a two-thirds (2/3) majority.

ITEM 12: Amend BCO 43-2 and 43-3 regarding timing for considering a complaint. [Overture 21 was answered in the affirmative as amended.]

43-2. A complaint shall first be made to the court whose act or decision is alleged to be in error. Written notice of complaint, with supporting reasons, shall be filed with the clerk of the court within sixty (60) days following the meeting of the court. The court shall consider the complaint at its next stated meeting, or at a called meeting prior to its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance. If the complaint is filed with less than ten (10) days-notice, the court may consider the complaint at a later meeting not more than 60 days later. No attempt should be made to circularize the court to which complaint is being made by either party.

43-3. If, after considering a complaint, the court alleged to be delinquent or in error is of the opinion that it has not erred, and denies the complaint, the complainant may take that complaint to the next higher court. If the lower court fails to consider the complaint against it by or at its next stated meeting, provided that the complaint has been filed with the clerk at least ten (10) days in advance, the complainant may take that complaint to the next higher court. If the complaint is filed with less than ten (10) days-notice, the court may consider the complaint at a later meeting not more than 60 days later. Written notice thereof shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days of notification of the last court's decision.

Notification of the last court's decision shall be deemed to have occurred on the day of mailing (if certified, registered or express mail of a national postal service or any private service where verifying receipt is utilized), the day of hand delivery, or the day of confirmed receipt in the case of email or facsimile. Furthermore, compliance with such requirements shall be deemed to have been fulfilled if a party cannot be located after diligent inquiry or if a party refuses to accept delivery.