

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

814E0674

HOUSE BILL NO. 1160

Introduced by: Representatives Brown (Jarvis), Broderick, Monroe, Smidt, and Van Gerpen and Senators Diedrich (Elmer) and Dennert

1 FOR AN ACT ENTITLED, An Act to revise the privilege on communications to clergyman to
2 include certain lay ministers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 19-13-16 be amended to read as follows:

5 19-13-16. As used in §§ 19-13-16 to 19-13-18, inclusive:

6 (1) A "clergyman" is a minister, priest, rabbi, accredited Christian Science practitioner,
7 or other similar functionary of a religious organization, or an individual reasonably
8 believed so to be by the person consulting ~~him~~ the clergyman.

9 (2) A communication is "confidential" if made privately and not intended for further
10 disclosure except to other persons present in furtherance of the purpose of the
11 communication.

12 (3) A "lay minister" is a person working as a spiritual advisor under the supervision of a
13 clergyman.

14 Section 2. That § 19-13-17 be amended to read as follows:

15 19-13-17. A person has a privilege to refuse to disclose and to prevent another from

1 disclosing a confidential communication by the person to a clergyman or a lay minister in ~~his~~ the
2 clergyman's or lay person's professional character as spiritual adviser.

3 Section 3. That § 19-13-18 be amended to read as follows:

4 19-13-18. The privilege described by § 19-13-17 may be claimed by the person, by ~~his~~ the
5 person's guardian or conservator, or by ~~his~~ the person's personal representative if ~~he~~ the person
6 is deceased. The ~~person who was the~~ clergyman or the lay minister at the time of the
7 communication is presumed to have authority to claim the privilege but only on behalf of the
8 communicant.