

**24-5-502 Communications to Ministers,
Priests and Rabbis**

West's Code of Georgia Annotated
Title 24. Evidence (Refs & Annos)
Chapter 5. Privileges (Refs & Annos)

Ga. Code Ann., § 24-5-502

§ 24-5-502. Communications to ministers, priests and rabbis

Effective: January 1, 2013

Currentness

Every communication made by any person professing religious faith, seeking spiritual comfort, or seeking counseling to any Protestant minister of the Gospel, any priest of the Roman Catholic faith, any priest of the Greek Orthodox Catholic faith, any Jewish rabbi, or any Christian or Jewish minister or similar functionary, by whatever name called, shall be deemed privileged. No such minister, priest, rabbi, or similar functionary shall disclose any communications made to him or her by any such person professing religious faith, seeking spiritual guidance, or seeking counseling, nor shall such minister, priest, rabbi, or similar functionary be competent or compellable to testify with reference to any such communication in any court.

Credits

Laws 2011, Act 52, § 2, eff. Jan. 1, 2013.

Notes of Decisions (11)

Ga. Code Ann., § 24-5-502, GA ST § 24-5-502

The statutes and Constitution are current with legislation passed during the 2016 Session of the Georgia General Assembly. The statutes are subject to changes by the Georgia Code Commission.

Notes Of Decisions (11)

Construction and application

Every communication made by any person professing religious faith, seeking spiritual comfort, or seeking counseling to a clergy person shall be deemed privileged; however, if such communications are not made to profess religious faith, or to seek spiritual comfort or guidance, but rather are conversational statements to a friend or frequent companion the ministerial privilege is not applicable. *Parnell v. State*, 2003, 260 Ga.App. 213, 581 S.E.2d 263 . Privileged Communications And Confidentiality 403

Defendant's statements to his father, who was an ordained minister, wherein defendant admitted his presence during armed home invasion, were not privileged communications with clergy, where defendant did not testify that he was professing religious faith, seeking spiritual comfort, or seeking spiritual counseling when he made statements to his father, and father testified that he did not start ministering to his son until after he was arrested, which was after the complained of statements were made. *Parnell v. State*, 2003, 260 Ga.App. 213, 581 S.E.2d 263 . Privileged Communications And Confidentiality 403

Defendant's communication with clergy person was not privileged and was admissible during prosecution for murder; clergy person was not defendant's minister but rather was a family friend and father-figure to defendant, defendant did not seek spiritual counseling from clergy person, and defendant spoke with clergy person due to their close, familial relationship. *Morris v. State*, 2002, 275 Ga. 601, 571 S.E.2d 358 . Privileged Communications And Confidentiality 403

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Statutory privilege for communications with religious advisors did not apply to communication to spiritual advisor/psychic. O.C.G.A. § 24-9-22 . *Manous v. State*, 1991, 200 Ga.App. 293, 407 S.E.2d 779 . Privileged Communications And Confidentiality 403

Testimony of parents' pastor and his wife as to their observations of child's condition and parents' conduct with respect to him did not violate privilege regarding communications with clergymen, absent showing that any communication or observation at issue arose either from spiritual counseling or from profession of religious faith within meaning of governing statute. O.C.G.A. § 24-9-22 . *Jones v. Department of Human Resources*, 1983, 168 Ga.App. 915, 310 S.E.2d 753 . Privileged Communications And Confidentiality 403

Ministerial privilege was not applicable to testimony of reverend, as witness for state in homicide prosecution, relating to conversational statements made to him by defendant regarding defendant's intent to kill his wife where record showed that statements by defendant to which witness testified were not made by defendant in professing religious faith or seeking spiritual comfort or guidance. Code, § 38-419.1.

Burger v. State, 1977, 238 Ga. 171, 231 S.E.2d 769 . Privileged Communications And Confidentiality 403

Civil liabilities for illegal and tortious acts

Minister's testimony that deceased's widow initially considered eye donation, which would have contradicted widow's testimony that she did not consider such donation until it was mentioned to her by one of hospice facility's nurses, was properly excluded from evidence in widow's action against facility arising from eye bank's removal of deceased's eyes after widow refused to give facility permission for eye bank to do so; facility failed to show that clerical privilege was waived, and minister's testimony was of doubtful relevance, as, even if widow initially considered making eye donation, she ultimately decided against it and instructed nurse not to permit it.

O.C.G.A. § 24-9-22 . Alternative Health Care Systems, Inc. v. McCown, 1999, 237 Ga.App. 355, 514 S.E.2d 691 , reconsideration denied, certiorari denied. Dead Bodies 9 ; Privileged Communications And Confidentiality 403

Evidence did not establish that church and conference of churches were or should have been on notice of minister's propensity for sexual misconduct after he became minister at church, and thus church and conference were not liable for negligently retaining minister who allegedly engaged in sexual misconduct with parishioner; minister's consensual relationship with church employee was unrelated to minister's allegedly nonconsensual sexual relationship with parishioner, and parishioner's discussions about alleged abuse with minister's successor were privileged and could not be disclosed without parishioner's permission. O.C.G.A. § 24-9-22 . Alpharetta First United Methodist Church v. Stewart, 1996, 221 Ga.App. 748, 472 S.E.2d 532 . Religious Societies 30

Sufficiency of evidence

Wife, on appeal from divorce proceeding, failed to establish that meeting between husband and wife and their church pastor was not a marriage counseling session to which clergy-penitent privilege applied; immediately before trial commenced, trial court conducted hearing on whether recording of meeting would be admitted into evidence, trial court, at that hearing, characterized the meeting as one involving marriage counseling, and wife's counsel raised no objection to court's characterization, instead arguing that privilege applied to exclude only the pastor's testimony. Frost v. Frost, 2016, 787 S.E.2d 693 . Divorce 1217

Evidence supported finding that police chaplain did not violate clergyman privilege by telling police officer that defendant confessed to committing armed robbery and aggravated assault; although officer testified at suppression hearing that chaplain told

him that defendant had confessed to robbery, at trial, officer testified that chaplain only told him that chaplain was concerned for defendant's safety, and chaplain adamantly denied that he told officer that defendant confessed to crime. Blocker v. State, 2004, 265 Ga.App. 846, 595 S.E.2d 654 , certiorari dismissed. Criminal Law 392.49(4)