**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4845**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Murphy, G.M. Smith, Brewer, T. Moore, Guest, Hager, Yow, Mitchell, W. Newton, Lawson and Stavrinakis

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Introduced in the House on January 16, 2024

Currently residing in the House

Summary: Military chaplains

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/16/2024 House Introduced and read first time (House Journal‑page 10)

 1/16/2024 House Referred to Committee on **Judiciary** (House Journal‑page 10)

 1/16/2024 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4845&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/16/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4845_20240116.docx)

[01/16/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/4845_20240116a.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 25‑1‑180 SO AS TO PROVIDE CERTAIN CRITERIA FOR MILITARY CHAPLAINS, AND TO PROVIDE THAT MILITARY CHAPLAINS HAVE THE PRIVILEGE TO REFUSE TO DISCLOSE CERTAIN CONFIDENTIAL COMMUNICATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 1, Title 25 of the S.C. Code is amended by adding:

 Section 25‑1‑180. (A) Military chaplains serving in any of the three militia classes, National Guard, organized militia not in National Guard Service, or unorganized militia, shall:

 (1) be properly ordained and endorsed for militia service by a recognized military endorsing agency, as well as any specific qualifications required by any of the three militia classes; and

 (2) possess privileged communication with all militia members, authorized dependents, and authorized personnel as defined by each militia class. The privilege also may be claimed on behalf of the person by the chaplain who received the communication.

 (B) Confidential communication is any communication made to a chaplain by an individual possessing the privilege if the communication is made either as a formal act of religion or as a matter of conscience. A communication is also confidential if it is made to a chaplain in his official capacity as a spiritual advisor.

 (C) A person has the privilege to refuse to disclose and to prevent others from disclosing a confidential communication by the person who made the communication to a chaplain if the communication is made either as a formal act of religion or as a matter of conscience.

 (D) Chaplains may not disclose a confidential communication revealed in the course of their duties without the informed consent of a person who made the communication. This consent must be given freely and not be compelled and must be specific regarding the information to be disclosed by the chaplain.

 (E) Neither a commander nor a court may require a chaplain or individual to disclose a confidential communication when a privilege exists. However, if a military judge or other presiding official decides that no privilege exists, a chaplain may have an obligation to testify.

SECTION 2. This act takes effect upon approval by the Governor.

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