

I.R.E. 505. Religious Privilege.

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Idaho Rules of Evidence Rule 505. Religious Privilege.

(a) Definitions. As used in this rule:

(1) Clergyman. A "Clergyman" is a minister, priest, rabbi, accredited Christian Science Practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be a clergyman by the person consulting.

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

(b) General rule of privilege. A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a clergyman in the clergyman's professional character as spiritual adviser.

(c) Who may claim the privilege. The privilege may be claimed by the person, or for the person by the person's lawyer, the guardian or conservator, or by the personal representative if that person is deceased. The clergyman at the time of the communication may claim the privilege but only on behalf of the person. The authority of the clergyman to do so is presumed in the absence of evidence to the contrary.

(Adopted January 8, 1985, effective July 1, 1985.)

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