

2000 SESSION

INTRODUCED

005137500

SENATE BILL NO. 348

Offered January 19, 2000

A BILL to amend and reenact § 16.1-302.1 of the Code of Virginia, relating to right of victim to attend juvenile proceedings.

Patrons—Mims, Forbes, Norment, Stolle and Trumbo; Delegates: Cantor, Howell, McDonnell and McEachin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-302.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-302.1. Right of victim or representative to attend certain proceedings; notice of hearings.

During proceedings involving petitions or warrants alleging that a juvenile is delinquent, including proceedings on appeal, a victim may remain in the courtroom *and shall not be excluded unless the court determines in its discretion, that the presence of the victim would substantially impair the conduct of a fair trial.* In any such case involving a minor victim, the court may permit an adult chosen by the minor victim to be present in the courtroom during the proceedings in addition to or in lieu of the minor's parent or guardian.

However, if either the attorney for the Commonwealth or any defendant represents to the court that he intends to call as a material witness a victim or any adult chosen by a minor victim, the court, on motion, shall exclude that person from the proceedings.

The attorney for the Commonwealth shall give prior notice of any such proceedings and changes in the scheduling thereof to any known victim and to any known adult chosen in accordance with this section by a minor victim at the address or telephone number, or both, provided in writing by such persons.

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SB348