

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-270.5 of the Code of Virginia, relating to DNA testing.*

3 [S 633]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 19.2-270.5 of the Code of Virginia is amended and reenacted as follows:**

7 § 19.2-270.5. DNA profile admissible in criminal proceeding.

8 In any criminal proceeding, DNA (deoxyribonucleic acid) testing shall be deemed to be a reliable
9 scientific technique and the evidence of a DNA profile comparison may be admitted to prove or
10 disprove the identity of any person. This section shall not otherwise limit the introduction of any
11 relevant evidence bearing upon any question at issue before the court, including the accuracy and
12 reliability of the procedures employed in the collection and analysis of a particular DNA sample. The
13 court shall, regardless of the results of the DNA analysis, if any, consider such other relevant evidence
14 of the identity of the accused as shall be admissible in evidence.

15 At least twenty-one days prior to commencement of the proceeding in which the results of a DNA
16 analysis will be offered as evidence, the party intending to offer the evidence shall notify the opposing
17 party, in writing, of the intent to offer the analysis and shall provide or make available copies of the
18 profiles and the report or statement to be introduced. In the event that such notice is not given, and the
19 person proffers such evidence, then the court may in its discretion either allow the opposing party a
20 continuance or, under appropriate circumstances, bar the person from presenting such evidence. The
21 period of any such continuance shall not be counted for speedy trial purposes under § 19.2-243. If the
22 opposing party intends to object to the admissibility of such evidence he shall give written notice of that
23 fact and the basis for his objections at least ten days prior to commencement of the proceedings.

24 No blood sample submitted to the Division of Forensic Science for analysis and use as provided in
25 this section and no results of the analysis performed shall be included in the DNA data bank established
26 by the Division pursuant to § 19.2-310.5 or otherwise used in any way with identifying information on
27 the person whose sample was submitted.

ENROLLED

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