

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 148

An Act to amend and reenact § 19.2-226 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-390.01, relating to criminal justice record information and crime code references.

[H 2541]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-226 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 19.2-390.01 as follows:

§ 19.2-226. What defects in indictments not to vitiate them.

No indictment or other accusation shall be quashed or deemed invalid:

(1) For omitting to set forth that it is upon the oaths of the jurors or upon their oaths and affirmations;

(2) For the insertion of the words "upon their oath," instead of "upon their oaths";

(3) For not in terms alleging that the offense was committed "within the jurisdiction of the court" when the averments show that the case is one of which the court has jurisdiction;

(4) For the omission or misstatement of the title, occupation, estate, or degree of the accused or of the name or place of his residence;

(5) For omitting the words "with force and arms" or the statement of any particular kind of force and arms;

(6) For omitting to state, or stating imperfectly, the time at which the offense was committed when time is not the essence of the offense;

(7) For failing to allege the kind or value of an instrument which caused death or to allege that it was of no value;

(8) For omitting to charge the offense to be "against the form of the statute or statutes"; ~~or~~

(9) For the omission or insertion of any other words of mere form or surplusage; *or*

(10) *For omitting or stating incorrectly the Virginia crime code references for the particular offense or offenses covered.*

Nor shall it be abated for any misnomer of the accused; but the court may, in case of a misnomer appearing before or in the course of a trial, forthwith cause the indictment or accusation to be amended according to the fact.

§ 19.2-390.01. Use of Virginia crime code references required.

If any criminal warrant, indictment, information, presentment, petition, summons, charging document issued by a magistrate, or dispositional document from a criminal trial, involves a jailable offense, it shall include the Virginia crime code references for the particular offense or offenses covered. When Virginia crime codes are provided on charging and dispositional documents, the Virginia crime codes shall be recorded and stored for adult offenders in: criminal history computer systems maintained by the State Police; court case management computer systems maintained by the Supreme Court of Virginia; probation and parole case management computer systems maintained by the Department of Corrections and the Virginia Parole Board; pretrial and community corrections case management computer systems maintained by the Department of Criminal Justice Services; and jail management computer systems maintained by the State Compensation Board. The Department of Juvenile Justice shall record and store Virginia crime codes for particular offenses related to juveniles in case management computer systems.

Virginia crime codes shall only be used to facilitate administration and research, and shall not have any legal standing as they relate to a particular offense or offenses.

2. That this act shall become effective on October 1, 2004.

3. That the charging and dispositional documents incorporating Virginia crime codes developed pursuant to this act shall indicate clearly that the crime codes are to be entered in a portion of such documents labeled "for administrative use only" or words to that effect.