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HOUSE BILL NO. 1752

Offered January 8, 2003

Prefiled January 6, 2003

A BILL to amend the Code of Virginia by adding a section numbered 15.2-1713.1, relating to local crime stoppers program.

Patron—Parrish

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-1713.1 as follows:**

§ 15.2-1713.1. Local "Crime Stoppers" programs; confidentiality; subpoenaing records.

A. As used in this section, a "Crime Stoppers," "crime solvers," "crime line," or other similarly named organization is defined as a private, nonprofit Virginia corporation governed by a civilian volunteer board of directors that is operated on a local or statewide level that (i) offers anonymity to persons providing information to the organization, (ii) accepts and expends donations for cash rewards to persons who report to the organization information about alleged criminal activity and that the organization forwards to the appropriate law-enforcement agency, and (iii) is established as a cooperative alliance between the news media, the community, and law-enforcement officials.

B. Evidence of a communication or any information contained therein between a person submitting a report of an alleged criminal act to a "Crime Stoppers" organization and the person who accepted the report on behalf of the organization is not admissible in a court proceeding. Law-enforcement agencies receiving information concerning alleged criminal activity from a "Crime Stoppers" organization shall maintain confidentiality pursuant to subsection E of § 2.2-3706.

C. Records of a "Crime Stoppers" organization concerning a report of alleged criminal activity shall not be compelled to be produced before a court or other tribunal except on the motion of a criminal defendant to the court in which the offense is being tried that the records or report contains evidence that is exculpatory to the defendant in the trial of that offense.

On motion of a defendant, the court may subpoena the records or report. The court shall conduct an in camera inspection of materials produced under subpoena to determine whether the materials contain evidence that is exculpatory to the defendant.

If the court determines that the materials produced contain evidence that is exculpatory to the defendant, the court shall present the evidence to the defendant in a form that does not disclose the identity or identifying code name or number of the person who was the source of the evidence, unless the state or federal constitution requires the disclosure of that person's identity.

The court shall execute an affidavit accompanying the disclosed materials swearing that, in the opinion of the court, the materials disclosed represent the exculpatory evidence the defendant is entitled to receive under this section.

The court shall return to the "Crime Stoppers" organization the materials that are produced under this section but not disclosed to the defendant. The "Crime Stoppers" organization shall store the materials until the conclusion of the criminal trial and the expiration of the time for all direct appeals in the case.

INTRODUCED

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