

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 310

An Act to amend and reenact § 19.2-295.3 of the Code of Virginia, relating to admission of victim impact testimony.

[H 1083]

Approved March 31, 2004

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-295.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-295.3. Admission of victim impact testimony.

~~In cases of~~ *Whether by trial by jury or by the court or upon a plea of guilty*, upon a finding that the defendant is guilty of a felony, the court shall permit the victim, as defined in § 19.2-11.01, upon motion of the attorney for the Commonwealth, to testify in the presence of the accused regarding the impact of the offense upon the victim. The court shall limit the victim's testimony to the factors set forth in clauses (i) through (vi) of subsection A of § 19.2-299.1. In the case of trial by jury, the court shall permit the victim to testify at the sentencing hearing conducted pursuant to § 19.2-295.1 or in the case of trial by the court *or a guilty plea*, the court shall permit the victim to testify before the court prior to the imposition of a sentence. Victim impact testimony in all capital murder cases shall be admitted in accordance with § 19.2-264.4.