

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1083]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-295.3 of the Code of Virginia is amended and reenacted as follows:**

8 § 19.2-295.3. Admission of victim impact testimony.

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

ENROLLED

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