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**HOUSE BILL NO. 1511**

Offered January 12, 2005

Prefiled November 5, 2004

*A BILL to amend the Code of Virginia by adding a section numbered 19.2-268.3, relating to admission into evidence of affidavit of chain of custody.*

Patron—Cosgrove

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 19.2-268.3 as follows:**

*§ 19.2-268.3. Admission into evidence of affidavit of chain of custody.*

*In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.) of this title, an affidavit of any law-enforcement officer attesting to chain of custody of any physical evidence taken into possession by him and delivered to the possession of another shall, without objection by counsel of record for the accused, be admissible in evidence as evidence of the facts therein stated, provided (i) the affidavit is filed with the clerk of the court hearing the case at least seven days prior to the hearing or trial and (ii) a copy of such affidavit is mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused at least seven days prior to the hearing or trial upon request made by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least 10 days prior to trial. In the event that a request for a copy of an affidavit is filed with the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that he shall resubmit the request at such time as the case is properly before the court in order for such request to be effective.*

*Any such affidavit purporting to be signed by any such law-enforcement officer shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it. The signature of the law-enforcement officer shall be deemed prima facie evidence that he was the agent authorized to take possession of and transfer possession of the physical evidence.*

INTRODUCED

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