

## 2005 SESSION

INTRODUCED

055387380

### HOUSE BILL NO. 2678

Offered January 12, 2005

Prefiled January 12, 2005

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-167.1, relating to disclosure of mental health expert testimony.*

Patron—Lingamfelter

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 19.2-167.1 as follows:

§ 19.2-167.1. *Disclosure of mental health expert testimony.*

A. *In any criminal case in which the defendant intends to place his mental health status in issue in the guilt or sentencing phase of a criminal trial, the defendant or his attorney shall provide to the attorney for the Commonwealth, at least 21 days prior to the criminal trial, a written summary of any expert witness testimony that the defendant intends to use as evidence at trial. The summary shall describe the witness's opinion, the bases and reasons for the opinion, and the witness's qualifications.*

B. *Following receipt of the written summary described in subsection A, and upon motion by the attorney for the Commonwealth, the court shall appoint one or more qualified experts to assist the Commonwealth and provide reports to the attorney for the Commonwealth and counsel for the defense as set forth in subsection A of 19.2-168.1, subdivision F1 of 19.2-264.3:1 or subdivision F 1 of 19.2-264.3:1.2, depending upon which provisions address the particular purpose of the proffered testimony.*

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