

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-266.2 of the Code of Virginia, relating to timing of defense*  
3 *objections in general district court.*

4 [H 1022]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-266.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 19.2-266.2. Defense objections to be raised before trial; hearing; bill of particulars.

9 A. Defense motions or objections seeking (i) suppression of evidence on the grounds such evidence  
10 was obtained in violation of the provisions of the Fourth, Fifth or Sixth Amendments to the Constitution  
11 of the United States or Article I, Section 8, 10 or 11 of the Constitution of Virginia proscribing illegal  
12 searches and seizures and protecting rights against self-incrimination; (ii) dismissal of a warrant,  
13 information, or indictment or any count or charge thereof on the ground that: (a) the defendant would be  
14 deprived of a speedy trial in violation of the provisions of the Sixth Amendment to the Constitution of  
15 the United States, Article I, Section 8 of the Constitution of Virginia, or § 19.2-243; or (b) the defendant  
16 would be twice placed in jeopardy in violation of the provisions of the Fifth Amendment to the  
17 Constitution of the United States or Article I, Section 8 of the Constitution of Virginia; or (iii) dismissal  
18 of a warrant, information, or indictment or any count or charge thereof on the ground that a statute upon  
19 which it was based is unconstitutional shall be raised by motion or objection;

20 B. *Such a motion or objection in a proceeding in circuit court shall be raised in writing, before trial.*  
21 The motions or objections shall be filed and notice given to opposing counsel not later than seven days  
22 before *trial in circuit court* or, if made under clause (ii) of subsection A, at such time prior to trial as  
23 the grounds for the motion or objection shall arise, whichever occurs last. A hearing on all such motions  
24 or objections shall be held not later than three days prior to trial *in circuit court*, unless such period is  
25 waived by the accused, as set by the trial judge. The *circuit court* may, however, for good cause shown  
26 and in the interest of justice, permit the motions or objections to be raised at a later time.

27 C. To assist the defense in filing such motions or objections in a timely manner, the ~~trial~~ *circuit*  
28 court shall, upon motion of the defendant, direct the Commonwealth to file a bill of particulars pursuant  
29 to § 19.2-230. The ~~trial~~ *circuit* court shall fix the time within which such bill of particulars is to be  
30 filed. Upon further motion of the defendant, the ~~trial~~ *circuit* court may, upon a showing of good cause,  
31 direct the Commonwealth to supplement its bill of particulars. The attorney for the Commonwealth shall  
32 certify that the matters stated in the bill of particulars are true and accurate to the best of his knowledge  
33 and belief.

34 D. *In a criminal proceeding in district court, any motion or objection as described in subsection A*  
35 *may be raised prior to or at such proceeding. In the event such a motion or objection is raised, the*  
36 *district court shall, upon motion of the Commonwealth grant a continuance for good cause shown.*

REENROLLED

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