

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-187 of the Code of Virginia, relating to providing certificates of*
3 *analysis to defense counsel.*

4 [H 1469]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-187 of the Code of Virginia is amended and reenacted as follows:**

8 § 19.2-187. Admission into evidence of certain certificates of analysis.

9 In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1
10 (§ 19.2-386.1 et seq.) of this title, a certificate of analysis of a person performing an analysis or
11 examination, performed in any laboratory operated by the Division of Consolidated Laboratory Services
12 or the Department of Forensic Science or authorized by such Department to conduct such analysis or
13 examination, or performed by the Federal Bureau of Investigation, the federal Postal Inspection Service,
14 the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal Investigative Service, the
15 National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement Administration, or the
16 United States Secret Service Laboratory when such certificate is duly attested by such person, shall be
17 admissible in evidence as evidence of the facts therein stated and the results of the analysis or
18 examination referred to therein, provided (i) the certificate of analysis is filed with the clerk of the court
19 hearing the case at least seven days prior to the hearing or trial and (ii) a.

20 A copy of such certificate is *shall be* mailed or delivered by the clerk or attorney for the
21 Commonwealth to counsel of record for the accused *at no charge* at least seven days prior to the
22 hearing or trial upon request made by such counsel to the clerk with notice of the request to the attorney
23 for the Commonwealth. The request to the clerk shall be on a form prescribed by the Supreme Court
24 and filed with the clerk at least 10 days prior to trial. In the event that a request for a copy of a
25 certificate is filed with the clerk with respect to a case that is not yet before the court, the clerk shall
26 advise the requester that he must resubmit the request at such time as the case is properly before the
27 court in order for such request to be effective. *If, upon proper request made by counsel of record for the*
28 *accused, a copy of such certificate is not mailed or delivered by the clerk or attorney for the*
29 *Commonwealth to counsel of record for the accused in a timely manner in accordance with this section,*
30 *the defendant shall be entitled to continue the hearing or trial.*

31 The certificate of analysis of any examination conducted by the Department of Forensic Science
32 relating to a controlled substance or marijuana shall be mailed or forwarded by personnel of the
33 Department of Forensic Science to the attorney for the Commonwealth of the jurisdiction where such
34 offense may be heard. The attorney for the Commonwealth shall acknowledge receipt of the certificate
35 on forms provided by the laboratory.

36 Any such certificate of analysis purporting to be signed by any such person shall be admissible as
37 evidence in such hearing or trial without any proof of the seal or signature or of the official character of
38 the person whose name is signed to it.

ENROLLED

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