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HOUSE BILL NO. 863

House Amendments in [] - February 13, 2006

A BILL to amend the Code of Virginia by adding a section numbered 19.2-270.1:1, relating to release of computer data or electronic data to a criminal defendant.

Patron Prior to Engrossment—Delegate Byron

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 19.2-270.1:1 as follows:

§ 19.2-270.1:1. Computer and electronic data in obscenity, etc. cases; access to defendant.

When computer data or electronic data, stored in any form, [the possession of which is otherwise unlawful,] are seized as evidence in a criminal prosecution of any offense involving obscenity or child pornography, neither the original data nor a copy thereof shall be released to the defendant or his counsel, nor shall a court order the release of such evidence to the defendant or his counsel. However, the defendant or his counsel shall be allowed the reasonable opportunity to review such evidence in accordance with the rules of discovery.

ENGROSSED

HB863E