

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 863]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 19.2-270.1:1 as follows:**8 *§ 19.2-270.1:1. Computer and electronic data in obscenity, etc. cases; access to defendant.*

9 *When computer data or electronic data, stored in any form, the possession of which is otherwise*
10 *unlawful, are seized as evidence in a criminal prosecution of any offense involving obscenity or child*
11 *pornography, neither the original data nor a copy thereof shall be released to the defendant or his*
12 *counsel, nor shall a court order the release of such evidence to the defendant or his counsel except as*
13 *provided herein. The defendant and his counsel shall be allowed the reasonable opportunity to review*
14 *such evidence in accordance with the rules of discovery. Upon a finding that the production of the*
15 *original data or a copy thereof to counsel or his designee is necessary and material to the defense of*
16 *the accused, the court may order such production only under terms that restrict access to specifically*
17 *identified recipients, prohibit any duplication of the data beyond what is reasonably necessary for the*
18 *purpose of the production, and require the return of the data to the law-enforcement agency maintaining*
19 *custody or control of the seized data for appropriate disposition.*

ENROLLED

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