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SENATE JOINT RESOLUTION NO. 120

Offered January 11, 2006

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*Directing the Virginia State Crime Commission to study videotaped testimony by victims of child abuse. Report.*

Patrons—Stolle, Howell and Norment; Delegates: Albo, Bell, Kilgore, Melvin and Moran

Referred to Committee on Rules

WHEREAS, child abuse is a particularly heinous crime with serious physical, mental, and emotional side effects on the victim; and

WHEREAS, children are often intimidated in court, both by the unfamiliar surroundings and the physical presence of the perpetrator; and

WHEREAS, videotaping the testimony of child victims has become common in many states as a means of protecting child victims from further stress and preserving important evidence; and

WHEREAS, every defendant has a constitutional right created in the Sixth Amendment to confront his accuser; and

WHEREAS, the subject of videotaping the testimony of child abuse victims presents many issues, both practical and legal, such as who will be in attendance at the taping, how the interview should be conducted and by whom, what training should be given to prospective interviewers, in which cases is it acceptable to present the videotape as affirmative evidence, and what trial procedures must be followed to ensure that the defendant's constitutional rights are not abrogated, all of which must be carefully considered; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study videotaped testimony by victims of child abuse. This shall include the study of the legal issues involved with presenting videotaped testimony by victims of child abuse at trial, the practical issues involved with recording such statements, and possible recommendations on the procedures and implementation steps necessary to allow for the use of videotaped testimony by victims of child abuse in criminal cases.

In conducting its study, the Virginia State Crime Commission shall form an advisory work group to include, but not to be limited to, the Executive Secretary of the Supreme Court, the Department of Social Services, the Department of Criminal Justice Services, the Indigent Defense Commission, and a representative from the Commonwealth's Attorneys Services Council.

All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 1, 2006, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2007 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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