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HOUSE BILL NO. 1966

Offered January 10, 2007

Prefiled January 5, 2007

A *BILL to amend the Code of Virginia by adding sections numbered 18.2-67.7:1, 18.2-67.7:2 and 18.2-67.7:3, relating to admission of prior sex offenses into evidence in sex crime cases.*

 Patron—Lewis

 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 sections numbered 18.2-67.7:1, 18.2-67.7:2 and 18.2-67.7:3 as follows:

§ 18.2-67.7:1. *Evidence of similar crimes in sexual assault cases.*

A. *In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.*

B. *In a case in which the Commonwealth intends to offer evidence under this section, the attorney for the Commonwealth shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.*

C. *This section shall be construed to limit the admission or consideration of evidence under any other section.*

D. *For purposes of this section and § 18.2-67.7:3, "offense of sexual assault" means any offense or any attempt or conspiracy to engage in any offense described in this article.*

§ 18.2-67.7:2. *Evidence of similar crimes in child sexual abuse cases.*

A. *In a criminal case in which the defendant is accused of an offense of child sexual abuse, evidence of the defendant's commission of another offense or offenses of child sexual abuse is admissible, and may be considered for its bearing on any matter to which it is relevant.*

B. *In a case in which the Commonwealth intends to offer evidence under this section, the attorney for the Commonwealth shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.*

C. *This section shall not be construed to limit the admission or consideration of evidence under any other section.*

D. *For purposes of this section and § 18.2-67.7:3, "child" means a person under the age of 18, and "offense of child sexual abuse" means any offense or any attempt or conspiracy to engage in any offense described in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2 involving a child victim.*

§ 18.2-67.7:3. *Evidence of similar acts in civil cases concerning sexual assault or child sexual abuse.*

A. *In a civil case in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting an offense of sexual assault or child sexual abuse, evidence of that party's commission of another offense or offenses of sexual assault or child sexual abuse is admissible and may be considered as provided in § 18.2-67.7:1 and 18.2-67.7:2.*

B. *A party who intends to offer evidence under this section shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.*

C. *This section shall not be construed to limit the admission or consideration of evidence under any other section.*

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