

2007 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 2570

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 2, 2007)

(Patron Prior to Substitute—Delegate Shannon)

A BILL to amend and reenact § 19.2-11.2 of the Code of Virginia, relating to crime victim's right to nondisclosure of certain information

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-11.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-11.2. Crime victim's right to nondisclosure of certain information; exceptions; testimonial privilege.

Upon request of any witness in a criminal prosecution under § 18.2-46.2 or 18.2-46.3, or any crime victim, neither a law-enforcement agency, the attorney for the Commonwealth, the counsel for a defendant, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the witness or victim or a member of the witness' or victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law or Rules of the Supreme Court, (iii) necessary for law-enforcement purposes or preparation for court proceedings, or (iv) permitted by the court for good cause.

Except with the written consent of the victim, a law-enforcement agency may not disclose to the public information which directly or indirectly identifies the victim of a crime involving any sexual assault, sexual abuse or family abuse, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law, (iii) necessary for law-enforcement purposes, or (iv) permitted by the court for good cause. *In addition, in any hearing before the Court of Appeals of Virginia or the Supreme Court of Virginia, on or after July 1, 2007, when the case involves a crime of sexual assault or sexual abuse, the victim may request that the appellate decision not contain the first or last name of the victim.*

Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the conduct of any criminal proceeding.

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