

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 372

An Act to amend and reenact § 19.2-168 of the Code of Virginia, relating to time period for notice to Commonwealth of defense insanity plea.

[H 952]

Approved March 5, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-168 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-168. Notice to Commonwealth of intention to present evidence of insanity; continuance if notice not given.

In any case in which a person charged with a crime intends (i) to put in issue his sanity at the time of the crime charged and (ii) to present testimony of an expert to support his claim on this issue at his trial, he, or his counsel, shall give notice in writing to the attorney for the Commonwealth, at least ~~twenty-one~~ 60 days prior to his trial, of his intention to present such evidence. *However, if the period between indictment and trial is less than 120 days, the person or his counsel shall give such notice no later than 60 days following indictment.* In the event that such notice is not given, and the person proffers such evidence at his trial as a defense, then the court may in its discretion, either allow the Commonwealth a continuance or, under appropriate circumstances, bar the defendant from presenting such evidence. The period of any such continuance shall not be counted for speedy trial purposes under § 19.2-243.