

2008 SESSION

INTRODUCED

086518824

HOUSE BILL NO. 1043

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact § 19.2-9.1 of the Code of Virginia, relating to use of polygraph on sex offense victims.

Patrons—Watts, Marsden, Mathieson, McClellan, Poisson, Shannon and Sherwood; Senators: Houck, Howell and Puller

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-9.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-9.1. Written notice required for complaining witness who is requested to take polygraph test.

A. If a complaining witness is requested to submit to a polygraph examination during the course of a criminal investigation, such witness shall be informed in writing prior to the examination that (i) the examination is voluntary, (ii) the results thereof are inadmissible as evidence and (iii) the agreement of the complaining witness to submit thereto shall not be the sole condition for initiating or continuing the criminal investigation.

B. No complaining witness of any alleged offense involving criminal sexual activity shall be requested to submit to a polygraph examination as a condition of proceeding with an investigation of the offense. The failure of such a complaining witness to agree to submit to a polygraph examination shall not prevent the investigation or prosecution of the offense.

INTRODUCED

HB1043