

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-9.1 of the Code of Virginia, relating to polygraph examinations;*  
3 *victims of sex offenses.*

4 [H 1043]

5 Approved

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7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 19.2-9.1 of the Code of Virginia is amended and reenacted as follows:**

9 § 19.2-9.1. Written notice required for complaining witness who is requested to take polygraph test.

10 *¶ A. For offenses not specified in subsection B, if a complaining witness is requested to submit to a*  
11 *polygraph examination during the course of a criminal investigation, such witness shall be informed in*  
12 *writing prior to the examination that (i) the examination is voluntary, (ii) the results thereof are*  
13 *inadmissible as evidence and (iii) the agreement of the complaining witness to submit thereto shall not*  
14 *be the sole condition for initiating or continuing the criminal investigation.*

15 *B. No law-enforcement officer, attorney for the Commonwealth, or other government official shall*  
16 *ask or require a victim of an alleged sex offense to submit to a polygraph examination or other*  
17 *truth-telling device as a condition for proceeding with the investigation of such an offense. If a victim is*  
18 *requested to submit to a polygraph examination during the course of a criminal investigation, such*  
19 *victim shall be informed in writing of the provisions of subsection A and that the refusal of a victim to*  
20 *submit to such an examination shall not prevent the investigation, charging, or prosecution of the*  
21 *offense.*

22 *C. A "sex offense," for the purposes of this section, shall mean any offense set forth in Article 7*  
23 *(§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.*

ENROLLED

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