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HOUSE BILL NO. 1370

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact §§ 8.01-400.1 and 19.2-267 of the Code of Virginia, relating to the use of interpreters; hearsay.

Patron—Gilbert

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-400.1 and 19.2-267 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-400.1. Privileged communications by interpreters.

A. Whenever a deaf person communicates through an interpreter to any person under such circumstances that the communication would be privileged, and such person could not be compelled to testify as to the communications, this privilege shall also apply to the interpreter.

B. *Whenever a witness is testifying as to what another person has said, and an interpreter was used so that the witness could communicate with the other person, and the testimony would have been admissible evidence if the person had uttered the statement directly to the witness, the testimony shall not be inadmissible hearsay solely due to the fact that the utterance was interpreted by another.*

§ 19.2-267. Provisions applicable to witnesses in criminal as well as civil cases; obligation to attend; summons.

Sections 8.01-396.1, 8.01-400.1, 8.01-402, 8.01-405 and 8.01-407 to 8.01-410, inclusive, shall apply to a criminal as well as a civil case in all respects, except that a witness in a criminal case shall be obliged to attend, and may be proceeded against for failing to do so, although there may not previously have been any payment, or tender to him of anything for attendance, mileage, or tolls. In a criminal case a summons for a witness may be issued by the attorney for the Commonwealth or other attorney charged with the responsibility for the prosecution of a violation of any ordinance or by the attorney for the defendant; however, any attorney who issues such a summons shall, at the time of the issuance, file with the clerk of the court the names and addresses of such witnesses.

INTRODUCED

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