

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4  
5 Approved

[H 952]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 § 19.2-168. Notice to Commonwealth of intention to present evidence of insanity; continuance if  
9 notice not given.

10 In any case in which a person charged with a crime intends (i) to put in issue his sanity at the time  
11 of the crime charged and (ii) to present testimony of an expert to support his claim on this issue at his  
12 trial, he, or his counsel, shall give notice in writing to the attorney for the Commonwealth, at least  
13 ~~twenty-one~~ 60 days prior to his trial, of his intention to present such evidence. *However, if the period*  
14 *between indictment and trial is less than 120 days, the person or his counsel shall give such notice no*  
15 *later than 60 days following indictment.* In the event that such notice is not given, and the person  
16 proffers such evidence at his trial as a defense, then the court may in its discretion, either allow the  
17 Commonwealth a continuance or, under appropriate circumstances, bar the defendant from presenting  
18 such evidence. The period of any such continuance shall not be counted for speedy trial purposes under  
19 § 19.2-243.

ENROLLED

HB952ER