

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 [S 164]

5 Approved

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

8 § 19.2-9.1. Written notice required for complaining witness who is requested to take polygraph test.

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

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

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

ENROLLED

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