

2010 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 14

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 27, 2010)

(Patrons Prior to Substitute—Delegates Marshall, R.G. and Toscano [HB 67])

A BILL to amend and reenact § 8.01-223.1 of the Code of Virginia, relating to invocation of constitutional rights in domestic relations cases; adverse inference.

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-223.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-223.1. Use of constitutional rights.

In any civil action the exercise by a party of any constitutional protection shall not be used against him, except that in any civil proceeding for spousal support, custody, or visitation under Title 16.1 or any civil action for divorce or separate maintenance under Title 20 filed on or after July 1, 2010, if a party or witness refuses to answer a question about conduct described in subdivision A (1) of § 20-91 or § 18.2-344 on the ground that the testimony might be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

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