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HOUSE BILL NO. 67

Offered January 13, 2010
Prefiled December 28, 2009

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.

Patron—Toscano

Referred to Committee for Courts of Justice

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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