

2010 SESSION

INTRODUCED

10103020D

SENATE BILL NO. 385

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-188.3, relating to search of government records; admissibility of evidence of non-existence of record.*

Patron—Obenshain

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-188.3 as follows:

§ 19.2-188.3. *Admissibility of affidavits by government officials regarding a search of government records.*

An affidavit signed by a government official deemed to have custody of an official record, or signed by his designee, stating that after a diligent search, no record or entry of such record is found to exist among the records in his custody, is admissible as evidence that his office has no such record or entry, provided that the procedures set forth in subsection G of § 18.2-472.1 for admission of an affidavit have been satisfied, mutatis mutandis, and the accused has not objected to the admission of the affidavit pursuant to the procedures set forth in subsection H of § 18.2-472.1, mutatis mutandis. Nothing in this section shall be construed to affect the admissibility of affidavits in civil cases under § 8.01-390.

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