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HOUSE BILL NO. 1517

Offered January 9, 2013

Prefiled January 3, 2013

A *BILL to amend the Code of Virginia by adding in Article 5 of Chapter 15 of Title 19.2 sections numbered 19.2-266.3 and 19.2-266.4, relating to notice by defendant to Commonwealth of intention to present evidence of involuntary intoxication.*

Patron—Lewis

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 in Article 5 of Chapter 15 of Title 19.2 sections numbered 19.2-266.3 and 19.2-266.4 as follows:

§ 19.2-266.3. Notice to Commonwealth of intention to present evidence of involuntary intoxication; continuance if notice not given.

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

§ 19.2-266.4. Motion by the Commonwealth after notice from defendant of intent to present evidence of involuntary intoxication.

If the attorney for the defendant gives notice pursuant to § 19.2-266.3 and the Commonwealth seeks to offer expert testimony on the issue of involuntary intoxication, the court shall, on motion by the Commonwealth, appoint an expert who shall receive a reasonable fee for his services as determined by the court.

INTRODUCED

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