

2013 SESSION

HOUSE SUBSTITUTE

13104150D

HOUSE BILL NO. 1766

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 1, 2013)

(Patrons Prior to Substitute—Delegates Bell, Robert B. and Yost [HB 1623])

A BILL to amend the Code of Virginia by adding a section numbered 18.2-67.7:1, relating to admission of prior sex offenses into evidence in child sex crime cases.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-67.7:1 as follows:

§ 18.2-67.7:1. Evidence of similar crimes in child sexual abuse cases.

A. In a criminal case in which the defendant is accused of a felony offense of sexual abuse involving a child victim, evidence of the defendant's conviction of another offense or offenses of sexual abuse is admissible and may be considered for its bearing on any matter to which it is relevant.

B. The Commonwealth shall provide to the defendant 14 days prior to trial notice of its intention to introduce copies of final orders evidencing the defendant's qualifying prior criminal convictions. Such notice shall include (i) the date of each prior conviction, (ii) the name and jurisdiction of the court where each prior conviction was obtained, and (iii) each offense of which the defendant was convicted. Prior to commencement of the trial, the Commonwealth shall provide to the defendant photocopies of certified copies of the final orders that it intends to introduce.

C. This section shall not be construed to limit the admission or consideration of evidence under any other section or rule of court.

D. For purposes of this section, "sexual abuse" means any offense or any attempt or conspiracy to engage in any offense described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 or Article 4 (§ 18.2-362 et seq.) of Chapter 8 or any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

2. That evidence offered in a criminal case pursuant to the provisions of this act shall be subject to exclusion in accordance with the Virginia Rules of Evidence including but not limited to Rule 2:403.

HOUSE
SUBSTITUTE

HB1766H1