

# 2013 SESSION

INTRODUCED

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## SENATE BILL NO. 1297

Offered January 15, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-680.1, relating to erroneously admitted evidence; appeal.*

Patrons—Garrett and 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 8.01-680.1 as follows:**

**§ 8.01-680.1. *Erroneously admitted evidence; appeal.***

*When a challenge to a judgment rests on a claim that the evidence was insufficient because the trial court improperly admitted evidence, the reviewing court shall consider all evidence admitted at trial to determine whether there is sufficient evidence to sustain the judgment. If the reviewing court determines that evidence was erroneously admitted and that such error was not harmless, the case shall be remanded for a new trial if the prosecution is so advised.*

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SB1297