

2013 SESSION

SENATE SUBSTITUTE

13104662D

SENATE BILL NO. 1297

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 4, 2013)

(Patrons Prior to Substitute—Senators Garrett and Obenshain [SB 1348])

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-324.1, relating to
erroneously admitted evidence; appeal.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-324.1 as follows:

§ 19.2-324.1. Erroneously admitted evidence; appeal.

*In appeals to the Court of Appeals or the Supreme Court, when a challenge to a conviction 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 conviction. 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
Commonwealth elects to have a new trial.*

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