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SENATE BILL NO. 997

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services
on January 18, 2013)

(Patron Prior to Substitute—Senator Barker)

A BILL to amend the Code of Virginia by adding a section numbered 63.2-1606.1, relating to the use of photographs and X-rays of incapacitated adults.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.2-1606.1 as follows:

§ 63.2-1606.1. Photographs and X-rays of incapacitated adults; use as evidence.

In any case of suspected abuse of an incapacitated adult, photographs and X-rays of such incapacitated adult may be taken without the consent of the person responsible for the incapacitated adult (i) as a part of the medical evaluation or (ii) as a part of the investigation or assessment of the case by the local department or the court. However, such photographs shall not be used in lieu of medical evaluation.

Such photographs and X-rays may be introduced into evidence in any subsequent proceeding. The court receiving such evidence may impose such restrictions as to the confidentiality of photographs and X-rays of any incapacitated adult as it deems appropriate.

SENATE SUBSTITUTE

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