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**HOUSE BILL NO. 634**

Offered January 10, 2018

Prefiled January 9, 2018

*A BILL to amend and reenact § 19.2-188 of the Code of Virginia, relating to two-way video testimony; reports by Chief Medical Examiner.*

Patron—Hurst

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-188 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-188. Reports by Chief Medical Examiner received as evidence.**

A. Reports of investigations made by the Chief Medical Examiner, his assistants or medical examiners, and the records and certified reports of autopsies made under the authority of Title 32.1, shall be received as evidence in any court or other proceeding, and copies of photographs, laboratory findings and reports in the office of the Chief Medical Examiner or any medical examiner, when duly attested by the Chief Medical Examiner or one of his Assistant Chief Medical Examiners, shall be received as evidence in any court or other proceeding for any purpose for which the original could be received without proof of the official character or the person whose name is signed thereto.

B. Any statement of fact or of opinion in such reports and records concerning the physical or medical cause of death and not alleging any conduct by the accused shall be admissible as competent evidence of the cause of death in any preliminary hearing.

C. Any testimony offered by either party in a preliminary hearing or sentencing hearing, or offered by the accused in any hearing other than a trial, by any examiner who performed a medicolegal investigation of death or postmortem examination under Chapter 8 of Title 32.1 may be presented using any two-way electronic video and audio communication system. Any two-way electronic video and audio communication system used shall meet the standards set forth in subsection B of 19.2-3.1. In addition, unless otherwise agreed by the parties and the court, (i) all orders pertaining to witnesses apply to witnesses testifying by video conferencing; (ii) upon request, all materials read or used by the witness during his testimony shall be identified on the video; and (iii) any witness testifying by video conferencing shall certify at the conclusion of his testimony, under penalty of perjury, that he did not engage in any off-camera communications with any person during his testimony.

D. Nothing in this section shall be construed as requiring a locality to purchase a two-way electronic video and audio communication system. Any decision to purchase such a system is at the discretion of the locality.

INTRODUCED

HB634