

2019 SESSION

SENATE SUBSTITUTE

19104790D

SENATE BILL NO. 1076

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 23, 2019)

(Patron Prior to Substitute—Senator Howell)

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-268.4, relating to admissibility of prior inconsistent statements in a criminal case.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-268.4 as follows:

§ 19.2-268.4. Admissibility of prior inconsistent statements.

In all criminal cases, evidence of a statement made by a witness is admissible for the truth of the matter asserted if the statement is inconsistent with his testimony at the hearing or trial, the witness is subject to cross-examination concerning the statement by the party against whom it is being offered, and the statement was made by the witness under oath at a trial, hearing, or other proceeding.

Nothing in this section shall render a prior inconsistent statement inadmissible for purposes of impeachment because such statement was not recorded or otherwise fails to meet the criteria set forth herein.

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