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**HOUSE BILL NO. 1209**

Offered January 18, 2022

*A BILL to amend and reenact §19.2-390.02 of the Code of Virginia, relating to prohibition on use of show-up identification by law-enforcement officers.*

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Patron—Hayes

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Referred to Committee for Courts of Justice

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

**1. That § 19.2-390.02 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-390.02. Prohibition on conducting show-up identifications; policies and procedures for law enforcement to conduct in-person and photo lineups.**

*A. For the purposes of this section, a "show-up identification" means an identification procedure in which an eyewitness is presented with a single suspect or single photograph of a suspect for the purpose of determining whether the eyewitness identifies such suspect as the perpetrator.*

*B. The use of a show-up identification by any law-enforcement officer is prohibited. No evidence discovered or obtained as the result of a show-up identification in violation of this subsection shall be admissible in any trial, hearing, or other proceeding.*

*C. The Department of State Police and each local police department and sheriff's office shall establish a written policy and procedure for conducting in-person and photographic lineups, which shall include a prohibition on the use of a show-up identification.*

INTRODUCED

HB1209