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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.*

Patron—Hayes

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