

LD3494685

SENATE BILL NO. 157

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on March 8, 1994)

(Patron Prior to Substitute—Senator Houck)

A BILL to amend and reenact §§ 19.2-11.1 and 19.2-265.01 of the Code of Virginia, relating to assistance for juvenile victims and witnesses.

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-11.1 and 19.2-265.01 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-11.1. Establishment of crime victim-witness assistance programs; funding; minimum standards.

Any local governmental body which establishes, operates and maintains a crime victim and witness assistance program, whose funding is provided in whole or part by grants administered by the Department of Criminal Justice Services pursuant to § 9-173.3, shall observe the following guidelines:

1. In order that victims and witnesses receive protection from harm and threats of harm arising out of their cooperation with law-enforcement, prosecution or defense efforts, they shall be provided with information as to the level of protection available and be assisted in obtaining this protection from the appropriate authorities.

2. Victims shall be informed of financial assistance and social services available as a result of being a victim of a crime, including information on how to apply for assistance and services.

3. Victims and witnesses shall be provided, where available, a separate waiting area during court proceedings that affords them privacy and protection from intimidation.

4. Victims shall be assisted, to the extent possible, in having any stolen property held by law-enforcement agencies for evidentiary purposes returned promptly.

5. Victims and witnesses shall be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.

6. Victims and witnesses shall receive prompt advance notification, whenever possible, of judicial proceedings relating to their case.

7. Victims shall be assisted in seeking restitution in accordance with the laws of the Commonwealth where the offense results in damage, loss, or destruction of the property of the victim of the offense or in cases resulting in bodily injury or death to the victim.

8. Victims and witnesses shall be expeditiously notified by appropriate personnel of any changes in court dates.

9. Victims of crime shall be notified of alternatives available regarding the use of victim impact statements at sentencing and victim input in the parole process.

10. Minor victims shall, whenever possible, be entitled to have an adult who is not a material witness and who is chosen by the minor, present in the courtroom during any trial proceedings with the permission of the court.

§ 19.2-265.01. Victims, certain members of the family and support persons not to be excluded.

In the trial of every criminal case, whether in a circuit or district court, any minor victim, his parents or guardians, and the parents and spouse of a homicide victim, may remain in the courtroom during the trial. In any case involving a minor victim, the court may permit an adult chosen by the minor to be present in the courtroom during any proceedings in addition to or in lieu of the minor's parent or guardian.

However, if either the attorney for the Commonwealth or any defendant represents to the court that he intends to call any such person as a material witness, the court shall exclude that person from the trial.