

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-265.4 of the Code of Virginia, relating to discovery in*
3 *misdemeanor cases.*

4 [S 973]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-265.4 of the Code of Virginia is amended and reenacted as follows:**

8 § 19.2-265.4. Failure to provide discovery.

9 A. In any criminal prosecution for a felony in a circuit court *or for a misdemeanor brought on direct*
10 *indictment*, the attorney for the Commonwealth shall have a duty to adequately and fully provide
11 discovery as provided under Rule 3A:11 of the Rules of the Supreme Court. *Rule 3A:11 shall be*
12 *construed to apply to such felony and misdemeanor prosecutions.* This duty to disclose shall be
13 continuing and shall apply to any additional evidence or material discovered by the Commonwealth prior
14 to or during trial which is subject to discovery or inspection and has been previously requested by the
15 accused.

16 B. If at any time during the course of the proceedings it is brought to the attention of the court that
17 the attorney for the Commonwealth has failed to comply with this section, the court may order the
18 Commonwealth to permit the discovery or inspection, grant a continuance, or prohibit the
19 Commonwealth from introducing evidence not disclosed, or the court may enter such other order as it
20 deems just under the circumstances.

ENROLLED

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