

1996 SESSION

INTRODUCED

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SENATE BILL NO. 450

Offered January 22, 1996

A BILL to amend the Code of Virginia by adding a section numbered 19.2-188.2, relating to criminal prosecutions; evidence; certificate of transplant surgeon.

Patrons—Gartlan, Edwards, Howell, Saslaw and Woods; Delegates: Albo, Callahan, Fisher, Harris, Mims, Plum, Puller, Van Landingham and Van Yahres

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-188.2 as follows:

§ 19.2-188.2. Certificate of transplant surgeon as evidence.

A. In any criminal proceeding, the report of a duly qualified transplant surgeon certifying that he has removed organs or other body parts from a decedent for transplant in accordance with Chapter 8 (§ 32.1-277 et seq.) of Title 32.1, shall be admissible in evidence as evidence of the facts stated therein. The report shall be competent evidence to show that such organs or body parts were healthy at the time of recovery, and not affected by any injury or illness, and not the cause of the decedent's death.

B. In order to be admitted into evidence, the surgeon's certificate shall have been filed with the office of the Chief Medical Examiner within seven days of the removal of the body organs or parts, and a copy thereof shall be mailed or delivered to the attorney for the Commonwealth in the jurisdiction in which the decedent's death occurred. The attorney for the Commonwealth shall make a copy of such certificate available to the defendant or his counsel if a criminal prosecution is instituted as a result of the death of the person from whom the organs or parts were removed.

C. Any such certificate purporting to be signed by a duly qualified transplant surgeon shall be admissible as evidence in any hearing or trial without any proof of the seal or signature or of the professional qualifications of the person whose name is signed to it.

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