

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 19.2-188.2, relating to criminal*
3 *prosecutions; evidence; certificate of surgeon.*

4 [S 766]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 19.2-188.2 as follows:**8 *§ 19.2-188.2. Certificate of surgeon as evidence.*

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

14 *B. A copy of the certificate shall be filed with the attorney for the Commonwealth in the jurisdiction*
15 *in which the decedent's fatal injury occurred. The certificate shall not be admitted into evidence unless*
16 *the attorney for the Commonwealth has provided a copy of the certificate to counsel for the defendant*
17 *at least fourteen days prior to the proceeding in which it is to be offered into evidence.*

18 *C. Any such certificate, when properly notarized, purporting to be signed by the surgeon who*
19 *removed the organs or other body parts shall be admissible in evidence without proof of seal or*
20 *signature of the person whose name is signed to it. In any hearing or trial the accused shall have the*
21 *right to call the person signing the certificate and the provisions of § 19.2-187.1 shall apply, mutatis*
22 *mutandis.*

ENROLLED

SB766ER