

1998 SESSION

INTRODUCED

988382661

SENATE BILL NO. 370

Offered January 22, 1998

A BILL to amend and reenact § 19.2-265.01 of the Code of Virginia, relating to attendance of victims at trial.

Patrons—Gartlan, Edwards, Forbes, Howell, Lucas, Maxwell, Reasor, Reynolds, Saslaw, Ticer, Whipple and Williams; Delegates: Albo, Almand, Armstrong, Barlow, Deeds, Hamilton, Hull, Jones, J.C., Keating, McClure, McEachin, McQuigg, Moran, Puller, Scott, Tate and Watts

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

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

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

During the trial of every criminal case and in all court proceedings attendant to trial, whether before, during or after trial, including any proceedings occurring after an appeal by the defendant or the Commonwealth, at which attendance by the defendant is permitted, whether in a circuit or district court, any victim as defined in § 19.2-11.01 may remain in the courtroom. 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~~ *If either the attorney for the Commonwealth or any defendant represents to the court that he intends to call as a material witness any victim as defined in § 19.2-11.01, the court shall exclude that person from the trial or proceedings he shall proffer to the court the nature of the victim's expected testimony. Upon finding that the victim's expected testimony would be material, the court may grant a motion to exclude. The representation by the attorney for the Commonwealth or the defendant is an oral motion subject to the provisions of § 8.01-271.1.*

The attorney for the Commonwealth shall give prior notice when practicable of such trial and attendant proceedings and changes in the scheduling thereof to any known victim and to any known adult chosen in accordance with this section by a minor victim, at the address or telephone number, or both, provided in writing by such person.

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