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HOUSE BILL NO. 1349

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-67.9:1, relating to videotaped statements of complaining witnesses as evidence.*

Patron—Bell

Referred to 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 18.2-67.9:1 as follows:**

§ 18.2-67.9:1. Use of videotaped statements of complaining witnesses as evidence.

A. In any criminal proceeding involving alleged abuse or neglect of a child pursuant to this article or Article 4 (§ 18.2-362 et seq.) of Chapter 8 of this title, a recording of a statement of the alleged victim of the offense, made prior to the proceeding, that would not otherwise be admissible, may be admissible as evidence if the requirements of subsection B are met and the court determines that:

1. The alleged victim is 12 years of age or younger at the time the statement is offered into evidence;

2. The recording is both visual and oral, and every person appearing in, and every voice recorded on, the tape is identified;

3. The recording is on videotape or was recorded by other electronic means capable of making an accurate recording;

4. The recording has not been altered;

5. No attorney for any party to the proceeding was present when the statement was made;

6. The person conducting the interview of the alleged victim was authorized to do so by the child-protective services coordinator of a local department of social services;

7. The person conducting the interview is qualified by training and experience in conducting forensic interviews of children;

8. The interview was administered in conformity with accepted professional standards of practice for interviews of child victims of sexual assaults;

9. All persons present at the time the statement was taken, including the alleged victim, are available to testify or be cross-examined at the proceeding when the recording is offered; and

10. The alleged victim testifies on the events of the criminal offense at the proceeding, or testifies by means of closed-circuit television, before the introduction of the recording.

B. A recorded statement may not be admitted under this section unless the proponent of the recording notifies the adverse party of his intent to offer the recording at least 10 days prior to the proceeding and the adverse party is given sufficient and timely opportunity to view the recording before it is shown in the proceeding.

INTRODUCED

HB1349