

2006 SESSION

INTRODUCED

061331308

HOUSE BILL NO. 545

Offered January 11, 2006

Prefiled January 9, 2006

A BILL to amend and reenact § 19.2-188.1 of the Code of Virginia, relating to field tests for marijuana used as evidence at trial.

Patron—Griffith

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-188.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-188.1. Testimony regarding identification of controlled substances.

A. In any preliminary hearing on a violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, any law-enforcement officer shall be permitted to testify as to the results of field tests which have been approved by the Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), regarding whether or not any substance the identity of which is at issue in such hearing is a controlled substance, imitation controlled substance, or marijuana, as defined in § 18.2-247.

B. In any trial for a violation of § 18.2-250.1, a law-enforcement officer may testify as to the results of any marijuana field test approved as accurate and reliable by the Department of Forensic Science when such test is performed by the officer to determine whether the plant material at issue in the trial is marijuana.

The defendant may require prior to trial that the Department perform approved and adopted laboratory tests on the material to verify its identity.

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