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HOUSE BILL NO. 2529

Offered January 10, 2007

Prefiled January 9, 2007

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 11 of Title 16.1 a section numbered 16.1-245.2, relating to the use of depositions before the Juvenile and Domestic Relations District Courts.*

Patron—Iaquinto

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 in Article 3 of Chapter 11 of Title 16.1 a section numbered 16.1-245.2 as follows:

§ 16.1-245.2. Use of depositions before the Juvenile and Domestic Relations District Courts.

The deposition of a witness, whether or not a party, may be used by any party for any purpose in any matter before any Juvenile and Domestic Relations District Court if the court finds that (i) the witness is dead; (ii) the witness is at a distance greater than 100 miles from the place of trial or hearing, or is out of the Commonwealth, unless it appears that the absence of the witness was procured by the party offering the deposition; (iii) the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; (iv) the party offering the deposition has been unable to procure the attendance of the witness by subpoena; (v) the witness is a judge, or is a superintendent of a hospital for the insane more than 30 miles from the place of trial, or is a physician, surgeon, dentist, chiropractor, or registered nurse who, in the regular course of his profession, treated or examined any party to the proceeding, or is in any public office or service the duties of which prevent his attending court provided, however, that if the deponent is subject to the jurisdiction of the court, the court may, upon a showing of good cause or sua sponte, order him to attend and to testify ore tenus; or (vi) upon application and notice, such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

INTRODUCED

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