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## HOUSE JOINT RESOLUTION NO. 5002

Offered August 19, 2009

Prefiled August 17, 2009

*Directing the Virginia State Crime Commission to study the legal, fiscal, and practical feasibility of the use of two-way video conferencing to receive testimony at a criminal trial or hearing of any person who (i) performs an analysis or examination pursuant to § 19.2-187 of the Code of Virginia and whose testimony may be required pursuant to § 19.2-187.1 of the Code of Virginia or (ii) executes an affidavit pursuant to § 9.1-907 of the Code of Virginia and whose testimony may be required pursuant to § 18.2-472.1 of the Code of Virginia. Report.*

Patrons—Janis, Herring, Griffith and Kilgore

Referred to Committee on Rules

WHEREAS, the dissent in Melendez-Diaz v. Massachusetts, 557 U.S. (2009) concluded that the majority's holding "threatens to disrupt forensic investigations across the country and to put prosecutions nationwide at risk of dismissal based on erratic, all-too-frequent instances when a particular laboratory technician . . . simply does not or cannot appear"; and

WHEREAS, the Associated Press reports that "Department of Forensic Science officials told" the Forensic Science Board on August 12, 2009, that "Virginia's backlog of forensic science cases could skyrocket as examiners spend a lot more time in court because of a recent U.S. Supreme Court decision"; and

WHEREAS, the dissent in Melendez-Diaz further concluded that "by requiring analysts also to appear in the far greater number of cases where defendants do not dispute the analyst's result, the Court imposes enormous costs on the administration of justice"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the legal, fiscal, and practical feasibility of the use of two-way video conferencing to receive testimony at a criminal trial or hearing of any person who (i) performs an analysis or examination pursuant to § 19.2-187 of the Code of Virginia and whose testimony may be required pursuant to § 19.2-187.1 of the Code of Virginia or (ii) executes an affidavit pursuant to § 9.1-907 of the Code of Virginia and whose testimony may be required pursuant to § 18.2-472.1 of the Code of Virginia.

Technical assistance shall be provided to the Virginia State Crime Commission by the Office of the Executive Secretary of the Supreme Court of Virginia. All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2009, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2010 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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