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SENATE BILL NO. 488

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 19.2-265.1 of the Code of Virginia, relating to exclusion of witnesses in criminal cases; exception.

Patron—Hurt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-265.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-265.1. Exclusion of witnesses.

In the trial of every criminal case, the court, whether a court of record or a court not of record, may upon its own motion and shall upon the motion of either the attorney for the Commonwealth or any defendant, require the exclusion of every witness to be called, including, but not limited to, police officers or other investigators; ~~however, each~~, *except as otherwise provided in this section.*

Each defendant who is an individual and one officer or agent of each defendant which is a corporation or association shall be exempt from the rule of this section as a matter of right. Additionally, any victim as defined in § 19.2-11.01 who is to be called as a witness shall be exempt from the rule of this section as a matter of law unless, in accordance with the provisions of § 19.2-265.01, his exclusion is otherwise required. *In felony cases, the attorney for the Commonwealth may designate one law-enforcement official who is an investigator who shall be exempt from the rule of this section as a matter of law, unless the court determines, in its discretion, that the presence of the law-enforcement official would impair the conduct of a fair trial.*

INTRODUCED

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