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HOUSE BILL NO. 2449

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 31, 2011)

(Patron Prior to Substitute—Delegate Gilbert)

A BILL to amend the Code of Virginia by adding sections numbered 16.1-69.48:1.02 and 17.1-275.11:1, relating to fee paid by person convicted when computer analysis required.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 16.1-69.48:1.02 and 17.1-275.11:1 as follows:

§ 16.1-69.48:1.02. Additional fee assessed for conviction requiring computer analysis.

In addition to the fees provided for by § 16.1-69.48:1, upon a finding of guilty of any charge or charges in which any computer forensic analysis revealed evidence used at trial of a defendant, the defendant shall be assessed costs in an amount equal to the actual cost of the computer forensic analysis for each computer analyzed by any state or local law-enforcement agency. Upon motion and submission to the court of an affidavit by the law-enforcement agency setting forth the number of computers analyzed and the total amount of costs requested, the court shall determine the amount to be assessed and order such amount paid to the law-enforcement agency.

§ 17.1-275.11:1. Additional fee assessed for conviction requiring computer analysis.

In addition to the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, and 17.1-275.9, upon a finding of guilty of any charge or charges in which any computer forensic analysis revealed evidence used at trial of a defendant, the defendant shall be assessed costs in an amount equal to the actual cost of the computer forensic analysis for each computer analyzed by any state or local law-enforcement agency. Upon motion and submission to the court of an affidavit by the law-enforcement agency setting forth the number of computers analyzed and the total amount of costs requested, the court shall determine the amount to be assessed and order such amount paid to the law-enforcement agency.