

2011 SESSION

INTRODUCED

11100859D

SENATE BILL NO. 1089

Offered January 12, 2011

Prefiled January 11, 2011

A *BILL to amend and reenact § 19.2-267 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 14 of Title 8.01 a section numbered 8.01-413.03, relating to the sealing of psychological tests received into evidence.*

Patron—Hanger

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-267 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 14 of Title 8.01 a section numbered 8.01-413.03 as follows:

§ 8.01-413.03. *When psychological tests received into evidence are to be sealed.*

A court may, upon motion, seal a psychological test or other assessment device received into evidence if the moving party establishes that (i) the value of the psychological test or assessment device depends in whole or in part on the subject lacking knowledge of the testing or assessment process and (ii) public access to such test or assessment device would compromise the objectivity, fairness, or integrity of the testing or assessment process. Such motion may be brought by either a party to the proceeding or a psychologist who used, administered, or prepared the test or assessment device and who was called to testify in the proceeding. As used in this section, "psychologist" has the same meaning as provided in § 54.1-3600.

§ 19.2-267. Provisions applicable to witnesses in criminal as well as civil cases; obligation to attend; summons.

Sections 8.01-396.1, 8.01-402, 8.01-405, 8.01-407, and 8.01-408 to through 8.01-410, inclusive, and 8.01-413.03 shall apply to a criminal as well as a civil case in all respects, except that a witness in a criminal case shall be obliged to attend, and may be proceeded against for failing to do so, although there may not previously have been any payment, or tender to him of anything for attendance, mileage, or tolls. In a criminal case a summons for a witness may be issued by the attorney for the Commonwealth or other attorney charged with the responsibility for the prosecution of a violation of any ordinance or by the attorney for the defendant; however, any attorney who issues such a summons shall, at the time of the issuance, file with the clerk of the court the names and addresses of such witnesses.

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