

12104980D

HOUSE BILL NO. 1154

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 10, 2012)

(Patron Prior to Substitute—Delegate Poindexter)

A BILL to amend and reenact § 52-38 of the Code of Virginia, relating to the Department of State Police; access to electronic evidence, documentation, and related materials.

Be it enacted by the General Assembly of Virginia:

1. That § 52-38 of the Code of Virginia is amended and reenacted as follows:

§ 52-38. Access to evidence, documentation, and related materials.

A. If the Department seeks evidence, documentation, and related materials, *whether in written or electronic format, that are located within this the Commonwealth or that may be electronically accessed by an insurer or insurance professional conducting business in the Commonwealth, and that are deemed by the Department as pertinent to an investigation or examination and in the possession or control of an insurer or an insurance professional*, the Department may request access to ~~the material~~ *such evidence, documentation, or related materials*. The person so requested shall either ~~make the material available~~ *provide electronic or physical copies of such evidence, documentation, or related materials to the Department; or shall make the material such evidence, documentation, or related materials available for inspection or examination by a designated representative of the Department.*

B. *The provider of evidence, documentation, and related materials under the provisions of subsection A may authenticate any electronic or physical copies of such evidence, documentation, and related materials, excluding the contents of any electronic communications, by providing an affidavit from the custodian of those electronic or physical copies or from a person to whom the custodian reports certifying that the copies are true and complete and that they are prepared in the regular course of business. Any copies authenticated in accordance with this subsection are admissible in evidence as a business record.*

HOUSE SUBSTITUTE

HB1154H1