

2013 SESSION

HOUSE SUBSTITUTE

13104687D

HOUSE BILL NO. 2338

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 1, 2013)

(Patron Prior to Substitute—Delegate Miller)

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-324.1, relating to erroneously admitted evidence; appeal.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-324.1 as follows:

§ 19.2-324.1. Erroneously admitted evidence; appeal.

In appeals to the Court of Appeals or the Supreme Court, when a challenge to a conviction rests on a claim that the evidence was insufficient because the trial court improperly admitted evidence, the reviewing court shall consider all evidence admitted at trial to determine whether there is sufficient evidence to sustain the conviction. If the reviewing court determines that evidence was erroneously admitted and that such error was not harmless, the case shall be remanded for a new trial if the Commonwealth elects to have a new trial.

HOUSE SUBSTITUTE

HB2338H1