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**HOUSE BILL NO. 1248**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice  
on February 7, 2014)

(Patron Prior to Substitute—Delegate Surovell)

*A BILL to amend and reenact § 8.01-390 of the Code of Virginia, relating to 911 emergency service call records as evidence; admissibility.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-390 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-390. Nonjudicial records as evidence (Subdivision (10)(a) of Supreme Court Rule 2:803 derived from subsection C of this section).**

A. Copies of records of this Commonwealth, of another state, of the United States, of another country, or of any political subdivision or agency of the same, other than those located in a clerk's office of a court, shall be received as prima facie evidence provided that such copies are authenticated to be true copies either by the custodian thereof or by the person to whom the custodian reports, if they are different.

B. *Recordings and records of 911 emergency service calls shall be received as prima facie evidence of such recordings and records, or copies of such recordings and records if they are accompanied by a certificate that meets the provisions of subsection A and the certificate contains the date and time of the incoming call and the incoming phone number associated with the call.*

C. An affidavit signed by an officer deemed to have custody of such an official record, or by his deputy, stating that after a diligent search, no record or entry of such record is found to exist among the records in his office is admissible as evidence that his office has no such record or entry.

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