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SENATE BILL NO. 794

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 20, 2015)

(Patron Prior to Substitute—Senator Carrico)

A BILL to amend and reenact § 19.2-271 of the Code of Virginia, relating to testimony of certain judicial personnel.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-271 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-271. Certain judicial officers incompetent to testify under certain circumstances; exceptions (Supreme Court Rule 2:605 derived from this section).

No judge shall be competent to testify in any criminal or civil proceeding as to any matter which came before him in the course of his official duties.

~~No~~ *Except as otherwise provided in this section, no* clerk of any court, magistrate, or other person having the power to issue warrants, shall be competent to testify in any criminal or civil proceeding, ~~except proceedings wherein the defendant is charged with perjury,~~ as to any matter which came before him in the course of his official duties. Such person shall be competent to testify in any criminal proceeding wherein the defendant is charged *with perjury or* pursuant to the provisions of § 18.2-460 or in any proceeding authorized pursuant to § 19.2-353.3. Notwithstanding any other provision of this section, any judge, clerk of any court, magistrate, or other person having the power to issue warrants, who is the victim of a crime, shall not be incompetent solely because of his office to testify in any criminal or civil proceeding arising out of the crime.

HOUSE SUBSTITUTE

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