

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 19.2-188.4, relating to testimony*
3 *by two-way video conferencing; certain forensic medical examination reports by sexual assault nurse*
4 *examiners and sexual assault forensic examiners.*

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6 Approved

[H 404]

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

9 **1. That the Code of Virginia is amended by adding a section numbered 19.2-188.4 as follows:**

10 **§ 19.2-188.4. Two-way video testimony related to certain forensic medical examinations.**

11 *A. Any testimony offered by either party in a preliminary hearing or sentencing hearing, or offered*
12 *by the accused in any hearing other than a trial, by a sexual assault nurse examiner or sexual assault*
13 *forensic examiner who performed a forensic medical examination may be presented using two-way video*
14 *conferencing.*

15 *B. Any testimony offered by either party in a trial, or offered by the attorney for the Commonwealth*
16 *in any hearing other than a preliminary hearing or sentencing hearing, by a sexual assault nurse*
17 *examiner or sexual assault forensic examiner who performed a forensic medical examination may be*
18 *presented by two-way video conferencing with the consent of the court and all parties.*

19 *C. The two-way video testimony permitted by this section shall comply with the provisions of*
20 *subsection B of § 19.2-3.1. In addition, unless otherwise agreed to by the parties and the court, (i) all*
21 *orders pertaining to witnesses apply to witnesses testifying by two-way video conferencing; (ii) upon*
22 *request, all materials read or used by the witness during his testimony shall be identified on the video;*
23 *and (iii) any witness testifying by two-way video conferencing shall certify at the conclusion of his*
24 *testimony, under penalty of perjury, that he did not engage in any off-camera communications with any*
25 *person during his testimony.*

26 *D. Nothing in this section shall be construed as requiring a locality to purchase a two-way*
27 *electronic video and audio communication system. Any decision to purchase such a system is at the*
28 *discretion of the locality.*

ENROLLED

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