

2022 SESSION

INTRODUCED

22100063D

SENATE BILL NO. 464

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact § 19.2-267 of the Code of Virginia, relating to witness summons in a criminal matter; requirements.

Patron—Surovell

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-267 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-267. Provisions applicable to witnesses in criminal as well as civil cases; obligation to attend; summons.

Sections 8.01-396.1, 8.01-402, 8.01-405, 8.01-407, ~~and 8.01-408 to~~, 8.01-409, and 8.01-410; ~~inclusive~~, shall apply to a criminal as well as a civil case in all respects, except that a witness in a criminal case shall be obliged to attend, and may be proceeded against for failing to do so, although there may not previously have been any payment, or tender to him of anything for attendance, mileage, or tolls. In a criminal case a summons for a witness may be issued by the attorney for the Commonwealth or other attorney charged with the responsibility for the prosecution of a violation of any ordinance or by the attorney for the defendant; however, any attorney who issues such a summons shall, at the time of the issuance, file with the clerk of the court the names and addresses of such witnesses except to the extent protected under § 19.2-11.2.

Upon issuing a summons for a witness in a criminal case, the attorney for the Commonwealth shall file a copy of such summons with the clerk of the court and shall provide a copy of such issued summons to any defendant or attorney for the defendant in the matter, except to the extent protected under § 19.2-11.2.

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