

2023 SESSION

INTRODUCED

23101592D

HOUSE BILL NO. 1440

Offered January 11, 2023

Prefiled December 20, 2022

A *BILL to amend and reenact § 8.01-418 of the Code of Virginia, relating to finding of guilt in absentia; proof of such finding in a civil action.*

Patron—Ballard

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-418 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-418. When plea of guilty or nolo contendere, finding of guilt in absentia, or forfeiture in criminal prosecution or traffic case admissible in civil action; proof of such plea, finding, or forfeiture.

Whenever, in any civil action, it is contended that any party thereto pled guilty or nolo contendere ~~or~~, *was found guilty in absentia, or* suffered a forfeiture in a prosecution for a criminal offense or traffic infraction which arose out of the same occurrence upon which the civil action is based, evidence of said plea, *finding*, or forfeiture as shown by the records of the criminal court shall be admissible. Where the records of the court in which such prosecution was had are silent or ambiguous as to whether or not such plea *or finding* was made or forfeiture occurred, the court hearing the civil case shall admit such evidence on the question of such plea, *finding*, or forfeiture as may be relevant, and the question of whether such plea *or finding* was made or forfeiture suffered shall be a question for the court to determine.

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