

VIRGINIA



State legislatures consider and enact laws that address the administration and use of forensic science by state justice systems. Issues addressed in these measures include the delegation of oversight responsibilities for forensic services, accreditation standards for forensic laboratories, access to post-conviction DNA testing, the collection and analysis of DNA samples from arrested and convicted individuals and procedures for eyewitness identification. Following is information on this state's legislative activity on forensic science issues. More information on forensic science policy from all 50 states and the District of Columbia is available on the NCSL [forensic science page](#).

Administration of State Forensic Services§§ 9.1-1100, 19.2-310.5

The state administers its forensic services through the Virginia Department of Forensic Science, which operates independently of any law enforcement or prosecutorial agency.

State Oversight of Forensic Services§§ 9.1-1111 through 1113

The Scientific Advisory Committee is responsible for oversight of forensic services. The primary purpose of the committee is to review and recommend laboratory operations. The committee is required to meet two times a year.

.....§ 9.1-1109-10

The Forensic Science Board is required to review and develop standards in forensic science. The board is required to make recommendations by Nov. 1 of each year. It is required to meet no less than four times a year. The [2013 recommendations](#) were released Oct. 22, 2013.

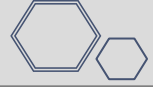
Convicted Offender DNA Analysis§ 19.2-310.2

People convicted of any felony or sex crime misdemeanor must submit a DNA sample to state officials. Sample collection applies to juveniles.

Arrestee DNA Analysis§ 19.2-310.2:1

People arrested for violent felonies must submit a DNA sample to state officials. A probable cause hearing is required before a magistrate or grand jury. The sample is collected after the probable cause determination but prior to release from custody. Expungement of the sample is automatic.





Post Conviction DNA Analysis § 19.2-327.1

The state allows an individual convicted of a felony to apply for post-conviction DNA testing. Their application must show by clear and convincing evidence that testing is material, necessary, and non-cumulative. Virginia code has specifications for the preservation of biological evidence.

Familial DNA Testing/Partial Match Analysis.....Administrative Action

The state's Department of Public Safety has a [policy](#) detailing when it will perform a familial search.

Remote Testimony by Laboratory Analysts § 19.2-187.1

The state allows remote testimony by two-way video conferencing.

Eyewitness Identification Procedures § 19.2-390.02

In 2004, the legislature requested the Virginia State Crime Commission study mistaken identification in criminal cases. The commission released its [report](#) in 2005. Virginia now requires each law enforcement agency to establish a written policy and procedure for conducting in-person and photographic lineups.

