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SENATE BILL NO. 494

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 8, 2010)

(Patron Prior to Substitute—Senator Hurt)

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 16 of Title 19.2 a section numbered 19.2-271.4, relating to the admissibility of certain business records in criminal proceedings.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 16 of Title 19.2 a section numbered 19.2-271.4 as follows:

§ 19.2-271.4. Admissibility of records concerning electronic communication service or remote computing service.

Written records or other information of a provider of electronic communication service or remote computing service that pertain to a subscriber to or customer of such service, excluding the contents of electronic communications, shall be received as prima facie evidence of the facts therein stated if, at any trial or hearing, such records or information are accompanied by an affidavit made, under oath, by the custodian of such records or information affirming that he is the authorized custodian of such records or information, that the creation of those records or information was authorized, and that they were made contemporaneously and relied upon in the ordinary course of business by the provider.

SENATE SUBSTITUTE

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