

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 31st day of May, 2017.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective July 1, 2017.

Amend Rule 2:902 to read as follows:

Rule 2:902. Self-Authentication (Rule 2:902(6) derived from Code § 8.01-390.3 and Code § 8.01-391(D)).

Additional proof of authenticity as a condition precedent to admissibility is not required with respect to the following:

* * *

(6) Certified Records of a Regularly Conducted Activity.

(a) In any proceeding where a business record is material and otherwise admissible, authentication of the record and the foundation required by subdivision (6) of Rule 2:803 may be laid by (i) witness testimony, (ii) a certification of the authenticity of and foundation for the record made by the custodian of such record or other qualified witness either by affidavit or by declaration pursuant to Code § 8.01-4.3, or (iii) a combination of witness testimony and a certification.

* * *

Amend Rule 3A:14.1 to read as follows:

Rule 3A:14.1. Confidentiality of Juror Personal Information.

(a) Motion for Order Regulating Disclosure of Jurors' Personal Information. —

As provided in Code § 19.2-263.3, on motion of any party or its own motion, and only upon a finding of good cause sufficient to warrant departure from the norm of open proceedings, the court may issue an order which may include provisions:

(1) regulating the disclosure of the names and home addresses of jurors or prospective jurors in a criminal trial. The court may limit or preclude dissemination of such information to particular persons, but in no event shall such information be denied to counsel for either party or a pro se defendant; and/or

(2) requiring that during the course of the trial, counsel for the parties, and the jurors themselves, shall refer to jurors by number and not by name.

Under this Rule, a finding of “good cause” includes, but is not limited to, a determination by the court in a particular case that if personal information of jurors or prospective jurors is disclosed there is a reasonable possibility of bribery, tampering, physical injury, harassment, intimidation of a juror, or any other material interference with the proper discharge of the jury's functions, such as a reasonably perceived threat to the jury's safety, well-being, or capacity to properly focus upon and perform its trial and deliberative duties.

(b) *Additional Personal Information.* — Additional personal information of a juror who has been impaneled in a criminal case shall be released only to the counsel for the defendant, a pro se defendant, and the attorney for the Commonwealth.

(c) *Modification of Order.* — (1) An order under this Rule regulating the disclosure of the names and home addresses of the jurors in a criminal case may be modified by the court in the exercise of its discretion and for good cause shown, and such information may be disseminated to a person having a legitimate interest or need for the information, with such restrictions upon its use and further dissemination as may be deemed appropriate by the court.

(2) The court may, upon motion of either party or its own motion, and for good cause shown, issue an order authorizing the disclosure of any additional personal information of a juror to any other person. Such order may be modified and may place restrictions on the use and further dissemination of such disclosed information.

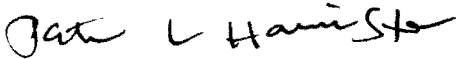
(d) *Additional Personal Information.* — For purposes of this Rule, “additional personal information” means any information other than name and home address collected by the court, clerk, or jury commissioner at any time, including but not limited to, a juror's age, occupation,

business address, telephone numbers, email addresses, and any other identifying information that would assist another in locating or contacting the juror.

* * *

A Copy,

Teste:

A handwritten signature in black ink that reads "Pat L Harris". The signature is written in a cursive style with a large initial "P" and "H".

Clerk