

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to direct the Virginia State Crime Commission to designate a panel to review certain cases at the*
3 *Virginia Department of Forensic Science involving Mary Jane Burton; report.*

4 [S 1465]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. § 1.** *The Virginia State Crime Commission (Crime Commission) shall designate a panel to review the*
8 *following types of cases at the Virginia Department of Forensic Science where testing or analysis was*
9 *performed by Mary Jane Burton (Burton): (i) cases resulting in convictions of persons who are currently*
10 *incarcerated, or who were executed or exonerated, and (ii) cases where Burton testified, regardless of the*
11 *final disposition of the case. However, the panel shall prioritize the review of such cases resulting in*
12 *convictions of persons who are currently incarcerated. The panel shall consist of a Commonwealth's*
13 *attorney, a public defender, a practicing attorney who is qualified to serve as court-appointed counsel in*
14 *felony cases pursuant to § 19.2-163.03 of the Code of Virginia, a judge of a circuit court who is retired*
15 *under the Judicial Retirement System (§ 51.1-300 et seq. of the Code of Virginia), a representative from the*
16 *Office of the Attorney General, the Executive Director of the Mid-Atlantic Innocence Project, and an*
17 *independent serologist. The panel shall make all reasonable efforts to (a) determine, if possible, whether*
18 *Burton engaged in a pattern of misconduct in relation to her testing, analysis, or testimony in such cases*
19 *and (b) evaluate the accuracy of the testing, analysis, and testimony of Burton. The findings of the panel*
20 *shall be admissible, but not binding, on a court's determination in any post-conviction proceeding.*

21 *The Crime Commission shall provide staff support to the panel, and may request and shall receive upon*
22 *such request support from other state or local government agencies. The Crime Commission may also receive*
23 *assistance from private organizations and other subject matter experts. Information provided to the Crime*
24 *Commission for purposes of this review shall not be redacted in any manner.*

25 *Notwithstanding any other provision of law, the Crime Commission and other state and local agencies*
26 *may receive and disseminate to individuals, state and local agencies, private organizations, and other entities*
27 *involved in the completion of this review (1) personal or case identifying information, (2) Virginia criminal*
28 *history record information, (3) expunged or sealed police and court records, and (4) any other information*
29 *that may be necessary to the successful and timely completion of the review. Such information shall not be*
30 *otherwise disseminated. However, the Crime Commission may provide information that it receives to an*
31 *attorney representing or considering representing an individual in a petition for a writ of habeas corpus or*
32 *writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 of the Code of Virginia*
33 *or any other federal or state post-conviction proceeding or pardon, but such information shall not be*
34 *otherwise disseminated by such attorney, except as necessary to provide legal advice or representation*
35 *related to such proceedings.*

36 *The provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia)*
37 *shall not apply to this panel or its review, or to any information received by or disseminated to any state or*
38 *local government agency, private organization, or other entity for purposes of this review.*

39 *The panel shall report to the Crime Commission on its work by the first day of each regular session of the*
40 *General Assembly Session until completion of this review.*

ENROLLED

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