CHAPTER 421

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

[H 2730]

Approved March 24, 2025

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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