

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 441

An Act to amend the Code of Virginia by adding a section numbered 19.2-268.4, relating to witness impeachment evidence designation; review process.

[H 974]

Approved April 8, 2026

Be it enacted by the General Assembly of Virginia:

**1. That the Code of Virginia is amended by adding a section numbered 19.2-268.4 as follows:
§ 19.2-268.4. Witness impeachment evidence designation; review process.**

A. For purposes of this section:

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

"Notice" means written notice given in person or by certified mail or trackable courier service with signature requirement.

"Witness impeachment evidence designation" means a determination that is made by or designation that is created by the attorney for the Commonwealth relating to a law-enforcement officer who has engaged in conduct that meets the requirements for disclosure in a criminal prosecution according to the Constitution of the United States for any criminal prosecution in which the officer is a participant.

B. Within seven days of designating a law-enforcement officer as being a witness with a witness impeachment evidence designation, the attorney for the Commonwealth shall serve notice upon such law-enforcement officer and upon the agency employing such officer specifying the action taken and remedies available. Any law-enforcement officer designated as a witness with a witness impeachment evidence designation may, within 21 days of receipt of such notice, request to review the evidence or materials resulting in his designation by the attorney for the Commonwealth as a witness with a witness impeachment evidence designation. Such review shall be granted by the attorney for the Commonwealth within five business days.

C. The law-enforcement officer may object to a designation pursuant to subsection B by serving written objections to the attorney for the Commonwealth within 21 days of receipt of notice of such designation. Such objections shall state with specificity the grounds on which the objection is raised, which may include (i) the factual dispute as to the reasons for such law-enforcement officer's designation as a witness with a witness impeachment evidence designation or (ii) the factual dispute over whether such law-enforcement officer's conduct rises to the level of conduct that meets the requirements for disclosure in a criminal prosecution according to the Constitution of the United States. Such objections may include evidence that the law-enforcement officer would like considered and where such evidence may be found. Within seven days of receiving such objections, the attorney for the Commonwealth shall issue a written response stating with specificity the grounds on which the law-enforcement officer was designated as a witness with a witness impeachment evidence designation or indicating that such designation is removed.

D. No law-enforcement officer shall be discharged, disciplined, or threatened with discharge or discipline by his employing agency solely due to his designation in a matter as a witness with a witness impeachment evidence designation. This subsection shall not prohibit such agency from dismissing, suspending, demoting, or taking other disciplinary actions against a law-enforcement officer based on the underlying actions that resulted in such officer being designated as a witness with a witness impeachment evidence designation, including any conduct that meets the requirement for disclosure in a criminal prosecution according to the Constitution of the United States.