

RULES OF SUPREME COURT OF VIRGINIA
PART TWO
VIRGINIA RULES OF EVIDENCE

ARTICLE VI. WITNESS EXAMINATION

Rule 2:605 COMPETENCY OF COURT PERSONNEL AS WITNESSES (derived from Code § [19.2-271](#))

(a) No judge shall be competent to testify in any criminal or civil proceeding as to any matter which came before the judge in the course of official duties.

(b) ~~⚭~~ Except as otherwise provided in this Rule, no clerk of any court, magistrate, or other person having the power to issue warrants, shall be competent to testify in any criminal or civil proceeding, ~~except proceedings wherein the defendant is charged with perjury,~~ as to any matter which came before him or her in the course of official duties. Such person shall be competent to testify in any criminal proceeding wherein the defendant is charged with perjury or pursuant to the provisions of § [18.2-460](#) or in any proceeding authorized pursuant to § [19.2-353.3](#). Notwithstanding any other provision of this section, any judge, clerk of any court, magistrate, or other person having the power to issue warrants, who is the victim of a crime, shall not be incompetent solely because of his or her office to testify in any criminal or civil proceeding arising out of the crime. Nothing in this subpart (b) shall preclude otherwise proper testimony by a clerk or deputy clerk concerning documents filed in the official records.

Adopted and promulgated by Order dated June 1, 2012; effective July 1, 2012.

Last amended by Order dated July 10, 2015; effective July 1, 2015.