

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 20th day of October, 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, 2018.

Amend Rule 2:606 to read as follows:

Rule 2:606. Juror's Competency as a Witness.

(a) *At the trial.* — A juror may not testify as a witness before the other jurors at the trial. If a juror is called to testify, the court must give a party an opportunity to object outside the jury's presence.

(b) *During an Inquiry into the Validity of a Verdict or Indictment.* —

(i) *Prohibited testimony or other evidence.* During an inquiry into the validity of a verdict or indictment, a juror may not testify about any statement made or incident that occurred during the jury's deliberations; the effect of anything on that juror's or another juror's vote; or any juror's mental processes concerning the verdict or indictment. The court may not receive a juror's affidavit or evidence of a juror's statement on these matters.

(ii) *Exceptions for extraneous information; outside influence; mistake; racial/national origin bias.* A juror may testify – and a juror's affidavit may be considered – about whether:

- (a) extraneous prejudicial information was improperly brought to the jury's attention;
- (b) an outside influence was improperly brought to bear on any juror;
- (c) a mistake was made in entering the verdict on the verdict form; or
- (d) during the trial a juror made one or more statements exhibiting overt racial/national origin bias – tending to show that a racial/national origin stereotype or animus was a significant motivating factor in the juror's vote and casting serious doubt on the fairness and impartiality of the jury's deliberations or the verdict.

A Copy,

Teste:

Peter L. Hamister

Clerk