



General Assembly

February Session, 2012

Raised Bill No. 113

LCO No. 913

00913_____VA_

Referred to Committee on Select Committee on Veterans' Affairs

Introduced by:
(VA)

AN ACT CONCERNING SERVICEMEMBERS CIVIL RELIEF ACT PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2012*) (a) Any member of the
2 armed forces of the state or the United States who is entitled to a stay
3 in a civil action or proceeding in the state pursuant to the
4 Servicemembers Civil Relief Act, 50 USC App. 501, et seq. may, subject
5 to the approval of the court under subsection (b) of this section, elect to
6 proceed with such action or proceeding while such member is
7 reasonably unavailable to appear in the location in which the action or
8 proceeding is brought and may seek relief and provide evidence,
9 through video-conferencing, Internet camera, electronic mail, or
10 another reasonable electronic means. For family court matters, the
11 preferred alternate method of proceeding shall be videoconferencing.
12 Such testimony shall be provided under oath, in a manner viewable by
13 all parties, and in the presence of a court reporter. In an action or
14 proceeding where a party who is physically present in the state is
15 permitted to use affidavits or seek temporary relief, the service
16 member may submit testimony by affidavit.

17 (b) The court shall permit such member of the armed forces to
18 proceed with such action or proceeding in the manner described in
19 subsection (a) of this section unless, for good cause shown, the
20 opposing party in such action or proceeding establishes that the use of
21 the electronic means of presenting evidence would substantially
22 prejudice such party.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2012</i> | New section |

Statement of Purpose:

To provide that a member of the armed forces who is entitled to a stay in a civil action or proceeding pursuant to the Servicemembers Civil Relief Act may seek relief and provide testimony by electronic means under certain conditions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]