

2001 SESSION

INTRODUCED

010343856

HOUSE BILL NO. 2664

Offered January 15, 2001

A BILL to establish a moratorium on prisoner executions.

Patrons—Morgan, Almand, Darner, Hargrove, Plum and Rhodes

Referred to Committee for Courts of Justice

WHEREAS, imposition of the death penalty is the ultimate punishment that the Commonwealth can impose on a person; and

WHEREAS, the imposition of the death penalty carried out by order of the Commonwealth on an innocent person would be an unspeakable and most lamentable injustice; and

WHEREAS, questions have arisen about disparity, fairness, equity, and due process requirements regarding the imposition of the death penalty, the competence of counsel for capital defendants, and limitations on the introduction of new and possibly exculpatory evidence; and

WHEREAS, recent forensic developments, especially in DNA analysis, have supplied previously unavailable technology to establish the innocence or guilt of death row inmates in some instances; and

WHEREAS, on the basis of post-conviction DNA testing not available at the time of his trial, Earl J. Washington, Jr., who was convicted of capital murder and twice scheduled to be executed for the 1982 rape and murder of a Culpepper woman, was recently shown to be innocent and granted an absolute pardon for capital murder; and

WHEREAS, it is expected that DNA and other forensic technologies will continue to aid and advance law enforcement in ways that cannot now be foreseen; and

WHEREAS, these factors warrant a thorough review of the process of administering the death penalty in the Commonwealth and a study of the death penalty is being conducted by the Joint Legislative Audit and Review Commission;

WHEREAS, it is expected that the final report issued as a result of the death penalty study conducted by the Joint Legislative Audit and Review Commission will be completed late in 2001 and submitted to the General Assembly for its review; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *Notwithstanding any other provision of law, the Commonwealth shall not conduct any executions of prisoners sentenced to death. This act is a suspension of executions only; all other matters of law related to the death penalty, including but not limited to bringing and trying capital charges, sentencing proceedings, imposing a death sentence, appeals and habeas review, are not affected by this act.*

2. **That the provisions of this act shall expire on the first day of July following the receipt by the General Assembly of the final report of the Joint Legislative Audit and Review Commission on the death penalty.**

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