

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 298

An Act to amend and reenact § 19.2-264.5 of the Code of Virginia, relating to sentencing in death penalty cases.

[H 755]

Approved March 31, 2004

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-264.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-264.5. Post-sentence reports.

When the punishment of any person has been fixed at death, the court shall, before imposing sentence, direct a probation officer of the court to thoroughly investigate the history of the defendant and any and all other relevant facts, to the end that the court may be fully advised as to whether the sentence of death is appropriate and just. Reports shall be made, presented and filed as provided in § 19.2-299 except that, notwithstanding any other provision of law, such reports shall in all cases contain a Victim Impact Statement. Such statement shall contain the same information and be prepared in the same manner as Victim Impact Statements prepared pursuant to § 19.2-299.1. After consideration of the report, and upon good cause shown, the court may set aside the sentence of death and impose a sentence of imprisonment for life. *Notwithstanding any other provision of law, if the court sets aside the sentence of death and imposes a sentence of imprisonment for life, it shall include in the sentencing order an explanation for the reduction in sentence.*