

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4
5 Approved

[H 755]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 § 19.2-264.5. Post-sentence reports.

9 When the punishment of any person has been fixed at death, the court shall, before imposing
10 sentence, direct a probation officer of the court to thoroughly investigate the history of the defendant
11 and any and all other relevant facts, to the end that the court may be fully advised as to whether the
12 sentence of death is appropriate and just. Reports shall be made, presented and filed as provided in
13 § 19.2-299 except that, notwithstanding any other provision of law, such reports shall in all cases
14 contain a Victim Impact Statement. Such statement shall contain the same information and be prepared
15 in the same manner as Victim Impact Statements prepared pursuant to § 19.2-299.1. After consideration
16 of the report, and upon good cause shown, the court may set aside the sentence of death and impose a
17 sentence of imprisonment for life. *Notwithstanding any other provision of law, if the court sets aside the*
18 *sentence of death and imposes a sentence of imprisonment for life, it shall include in the sentencing*
19 *order an explanation for the reduction in sentence.*

ENROLLED

HB755ER