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SENATE BILL NO. 1296

Offered January 14, 2015

Prefiled January 14, 2015

A BILL to amend and reenact § 19.2-264.2 of the Code of Virginia, relating to conditions for imposition of death sentence.

Patron—McEachin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-264.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-264.2. Conditions for imposition of death sentence.

A. If a person is convicted of an offense for which the death penalty may be imposed, a sentence of death shall not be imposed unless the Commonwealth presents the court or jury with (i) biological evidence or DNA evidence that connects the defendant to the offense, (ii) a videographic image of a voluntary interrogation and confession of the defendant to the offense, or (iii) a videographic image that conclusively connects the defendant to the offense.

B. In assessing the penalty of any person convicted of an offense for which the death penalty may be imposed, a sentence of death shall not be imposed unless the court or jury shall (1) after consideration of the past criminal record of convictions of the defendant, find that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing serious threat to society or that his conduct in committing the offense for which he stands charged was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind or an aggravated battery to the victim; and (2) recommend that the penalty of death be imposed.

INTRODUCED

SB1296