

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-234 of the Code of Virginia, relating to method of execution.*

3 [H 815]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 53.1-234 of the Code of Virginia is amended and reenacted as follows:**7 **§ 53.1-234. Transfer of prisoner; how death sentence executed; who to be present.**

8 The clerk of the circuit court in which is pronounced the sentence of death against any person shall,  
9 after such judgment becomes final in the circuit court, deliver a certified copy thereof to the Director.  
10 Such person so sentenced to death shall be confined prior to the execution of the sentence in a state  
11 correctional facility designated by the Director. Prior to the time fixed in the judgment of the court for  
12 the execution of the sentence, the Director shall cause the condemned prisoner to be conveyed to the  
13 state correctional facility housing the death chamber.

14 The Director, or the assistants appointed by him, shall at the time named in the sentence, unless a  
15 suspension of execution is ordered, cause the prisoner under sentence of death to be electrocuted or  
16 injected with a lethal substance, until he is dead. The method of execution shall be chosen by the  
17 prisoner. In the event *that* the prisoner refuses to make a choice at least ~~fifteen~~ 15 days prior to the  
18 scheduled execution, the method of execution shall be by lethal injection. *If the Director certifies that*  
19 *the method of execution chosen by the prisoner or set forth in this section is not available for any*  
20 *reason, the remaining method of execution shall be employed, provided that the Director shall not*  
21 *certify that execution by lethal injection is not available unless the Director has made reasonable efforts*  
22 *to procure such lethal substances.* Execution by lethal injection shall be permitted in accordance with  
23 procedures developed by the Department. At the execution there shall be present the Director or an  
24 assistant, a physician employed by the Department or his assistant, such other employees of the  
25 Department as may be required by the Director and, in addition thereto, at least six citizens who shall  
26 not be employees of the Department. In addition, the counsel for the prisoner and a clergyman may be  
27 present.

ENROLLED

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