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HOUSE BILL NO. 2212

Offered January 23, 1995

A BILL to amend and reenact § 19.2-295.1 of the Code of Virginia, relating to bifurcated criminal trial procedure.

Patrons—Wardrup, Albo, Bloxom, Dudley, McDonnell, Newman, Wagner and Wilkins; Senator: Quayle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-295.1 of the Code of Virginia is amended and reenacted as follows:**

§. 19.2-295.1 Sentencing proceeding by the jury after conviction for a felony.

In cases of trial by jury, upon a finding that the defendant is guilty of a felony, a separate proceeding limited to the ascertainment of punishment shall be held as soon as practicable before the same jury. At such proceeding, the Commonwealth shall present the defendant's prior criminal convictions by certified, attested or exemplified copies of the record of conviction, including adult convictions and juvenile convictions and adjudications of delinquency. Prior convictions shall include convictions and adjudications of delinquency under the laws of any state, the District of Columbia, the United States or its territories. The Commonwealth shall provide to the defendant fourteen days prior to trial photocopies of certified copies of the defendant's prior criminal convictions which it intends to introduce at sentencing. After the Commonwealth has introduced such evidence of prior convictions, the Commonwealth and the defendant may introduce relevant, admissible evidence related to punishment including the history and background of the defendant and any other facts in mitigation or aggravation of the offense. Nothing in this section shall prevent the Commonwealth or the defendant from introducing relevant, admissible evidence in rebuttal. If the defendant is found guilty of an offense other than a felony, punishment shall be fixed as otherwise provided by law. *If the jury cannot agree upon punishment, the court shall fix punishment.*

INTRODUCED

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