

1996 SESSION

INTRODUCED

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HOUSE BILL NO. 924

Offered January 22, 1996

A BILL to amend the Code of Virginia by adding a section numbered 19.2-295.3, relating to bifurcated trials.

Patrons—Robinson and McDonnell; Senators: Earley and Edwards

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-295.3 as follows:

§ 19.2-295.3. Sentencing proceeding by jury after conviction for capital and noncapital felonies.

In cases of trial by jury, upon finding that the defendant is guilty of both capital and noncapital felonies, a separate proceeding limited to ascertainment of punishment for the noncapital felony or felonies shall be held as soon as practicable before the same jury. This proceeding shall be conducted in the manner provided in § 19.2-295.1.

As soon as practicable after the jury has returned its sentencing verdict for the noncapital felony or felonies, a separate proceeding limited to ascertainment of punishment for the capital felony or felonies shall be held before the same jury. This proceeding shall be conducted in the manner provided in § 19.2-264.4.

A defendant found guilty of both capital and noncapital felonies may elect to proceed with a unitary sentencing proceeding. If the defendant makes that election, the notice provisions of § 19.2-295.1 shall apply to evidence of prior convictions, but the Commonwealth and the defendant may introduce any evidence admissible in a proceeding conducted in the manner provided in § 19.2-264.4.

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