

# VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

## CHAPTER 199

*An Act to amend and reenact § 8.01-654.1 of the Code of Virginia, relating to filing of habeas corpus petitions in capital cases.*

[H 622]

Approved April 2, 1998

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

**1. That § 8.01-654.1 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-654.1. Limitation on consideration of petition filed by prisoner sentenced to death.

No petition for a writ of habeas corpus filed by a prisoner held under a sentence of death shall be considered unless it is filed within sixty days after the earliest of: (i) denial by the United States Supreme Court of a petition for a writ of certiorari to the judgment of the Supreme Court of Virginia on direct appeal, (ii) a decision by the United States Supreme Court affirming imposition of the sentence of death when such decision is in a case resulting from a granted writ of certiorari to the judgment of the Supreme Court of Virginia on direct appeal, or (iii) *the expiration of* the period for filing a timely petition for certiorari ~~has expired~~ without such a petition being filed.

*However, notwithstanding the time restrictions otherwise applicable to the filing of a petition for a writ of habeas corpus, an indigent prisoner may file such a petition within 120 days following appointment, made under § 19.2-163.7, of counsel to represent him.*