

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4  
5 Approved

[H 622]

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

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

8 § 8.01-654.1. Limitation on consideration of petition filed by prisoner sentenced to death.

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

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

ENROLLED

HB622ER