

2005 SESSION

INTRODUCED

053717396

HOUSE BILL NO. 1812

Offered January 12, 2005

Prefiled January 5, 2005

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-310.02, relating to execution of pregnant inmate.*

Patrons—Marshall, R.G. and Black

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 19.2-310.02 as follows:

§ 19.2-310.02. *Execution of pregnant inmate proscribed.*

No person sentenced to death shall be put to death while she is pregnant. The Department of Corrections shall promulgate regulations to ensure pregnancy testing, during the 30 days prior to the execution date set by the sentencing court, of any female inmate sentenced to death. If the Department finds that such female inmate is pregnant, it shall petition the sentencing court for a new execution date, which shall be at least 10 months later than the original execution date. The court shall not have discretion in determining the accuracy of the Department's finding but shall have only the authority to set a new execution date in accordance with the provisions of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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