

LD6194322

HOUSE BILL NO. 1804

Offered January 19, 1995

A BILL to amend and reenact § 19.2-295.1 of the Code of Virginia, relating to bifurcated trial; jury sentencing.

Patron—Kilgore

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 notice to the defendant fourteen days prior to trial of its intention to introduce evidence of the defendant's prior convictions. The Commonwealth's notice shall include (i) the date of each prior conviction, (ii) the name and jurisdiction of the court where each prior conviction was had, and (iii) a description of the offense for each prior conviction. The Commonwealth shall provide to the defendant, prior to sentencing, 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 defendant may introduce relevant, admissible evidence related to punishment. Nothing in this section shall prevent the Commonwealth or the defendant from introducing relevant, admissible evidence in rebuttal. *If the jury cannot unanimously agree upon a sentence, the trial court shall sentence the defendant.* If the defendant is found guilty of an offense other than a felony, punishment shall be fixed as otherwise provided by law.

INTRODUCED

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