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HOUSE BILL NO. 815

Offered January 13, 2016

Prefiled January 12, 2016

A *BILL to amend and reenact § 53.1-234 of the Code of Virginia, relating to method of execution.*

Patron—Miller

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-234 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-234. Transfer of prisoner; how death sentence executed; who to be present.

The clerk of the circuit court in which is pronounced the sentence of death against any person shall, after such judgment becomes final in the circuit court, deliver a certified copy thereof to the Director. Such person so sentenced to death shall be confined prior to the execution of the sentence in a state correctional facility designated by the Director. Prior to the time fixed in the judgment of the court for the execution of the sentence, the Director shall cause the condemned prisoner to be conveyed to the state correctional facility housing the death chamber.

The Director, or the assistants appointed by him, shall at the time named in the sentence, unless a suspension of execution is ordered, cause the prisoner under sentence of death to be electrocuted or injected with a lethal substance, until he is dead. The method of execution shall be chosen by the prisoner. In the event *that* the prisoner refuses to make a choice at least ~~fifteen~~ 15 days prior to the scheduled execution, the method of execution shall be by lethal injection. *If the Director certifies that the method of execution chosen by the prisoner or set forth in this section is not available for any reason, the remaining method of execution shall be employed.* Execution by lethal injection shall be permitted in accordance with procedures developed by the Department. At the execution there shall be present the Director or an assistant, a physician employed by the Department or his assistant, such other employees of the Department as may be required by the Director and, in addition thereto, at least six citizens who shall not be employees of the Department. In addition, the counsel for the prisoner and a clergyman may be present.

INTRODUCED

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