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SENATE JOINT RESOLUTION NO. 139

Offered January 16, 2006

*Proposing an amendment to Section 11 of Article I of the Constitution of Virginia, relating to taking of private property.*

Patron—Cuccinelli

Referred to Committee on Privileges and Elections

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 11 of Article I of the Constitution of Virginia as follows:

ARTICLE I

BILL OF RIGHTS

Section 11. Due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.

That no person shall be deprived of his life, liberty, or property without due process of law; that the General Assembly shall not pass any law impairing the obligation of contracts; ~~nor any law whereby private property shall be taken or damaged for public uses, without just compensation, the term "public uses" to be defined by the General Assembly;~~ and that the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.

*That the General Assembly shall not pass any law whereby private property shall be taken or damaged for public uses, without just compensation; that the term "public uses" shall only mean the possession, occupation, and enjoyment of land by the general public or by public agencies, or the use of land for the creation or functioning of public utilities; that public benefits or potential public benefits, including economic or private development, or an increase in the tax base, tax revenues, employment, or general economic health, shall not constitute a public use; and that the question of whether a taking of private property is for a public use shall be a judicial question to be determined without regard to any legislative declaration regarding the nature of the use.*

That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five.

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