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**HOUSE JOINT RESOLUTION NO. 723**  
**FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by Senator Obenshain  
on February 22, 2007)

(Patrons Prior to Substitute—Delegates Bell, Peace [HJR 579], Rapp [HJR 714], Joannou [HJR 722], and  
Cline [HJR 772])

*Proposing an amendment to Section 11 of Article I of the Constitution of Virginia, relating to due  
process, takings of private property, and other rights.*

RESOLVED by the House of Delegates, the Senate 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. The term "public uses" under this section to be  
defined by the General Assembly. No more private property may be taken than that which is necessary  
to achieve the stated public use.*

*Except where property is taken for the creation or functioning of a public service corporation, public  
service company, or railroad, property may only be taken where the primary purpose is not private  
financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment.*

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.