

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 404

An Act to direct the Board of Trustees for the Virginia War Memorial Foundation to establish criteria to honor Virginia's war casualties.

[H 1875]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding the provisions of § 2.2-2708 of the Code of Virginia and in continuation of its mission to honor patriotic Virginians who rendered faithful military service and paid the ultimate sacrifice in the cause of freedom and liberty for the Commonwealth and the nation, the Virginia War Memorial Foundation Board of Trustees shall establish criteria for those names and homes of record to be engraved on the walls of the Virginia War Memorial. The criteria shall be adopted by the Board no later than November 1, 2009, and shall be the basis of legislation to be submitted to the 2010 Regular Session of the General Assembly for codification of policies to ensure consistent appropriate memorialization in the future.*

§ 2. In developing the criteria for names to be engraved on the Memorial for wars memorialized by the Virginia War Memorial, the Board shall address but not be limited to the following: (i) definition of home of record; (ii) beginning date for application of the criteria; (iii) definition of uniform military services; (iv) definition of combat area; (v) any reasons not to include someone who was killed in action, was a hostile casualty, died as a prisoner of war, or who is missing in action and presumed dead; (vi) categories of non-hostile combat related casualties that will be included; (vii) the circumstances of military casualties resulting from acts of terrorism that will be included; and (viii) whether there are any circumstances that justify including the name of a member of the military whose death occurred within the United States. The Board shall further consider (i) circumstances that could warrant case by case consideration of a name being engraved on the Memorial and (ii) possible inclusion in the Memorial of casualties that would not fall under the criteria for the name being engraved on the Memorial. The Board shall be guided by but not limited to determinations made under the United States Department of Defense Personnel Casualty Matters, Policies, and Procedures.

§ 3. The Board shall complete the work required by this act on or before November 1, 2009, and shall submit to the Governor and General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2010 Regular Session of the General Assembly and shall be posted on the General Assembly's website.