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## HOUSE BILL NO. 767

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology  
on March 3, 2010)

(Patron Prior to Substitute—Delegate Janis)

A BILL to codify the criteria for memorialization of fallen Virginians at the Virginia War Memorial.

**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 accordance with Chapter 404 of the Acts of Assembly of 2009, the names and homes of record of 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, shall be engraved on the walls of the Virginia War Memorial Shrine of Memory subject to the following criteria:

1. The deceased service member shall be a Virginian based upon official state of residency as listed on Department of Defense documents. However, the Virginia War Memorial Foundation Board of Trustees may also, under extraordinary circumstances and within the full discretion of the Board, determine that the service member is a Virginian based on place of birth, longtime residency, or other substantial ties to the Commonwealth independent of the residency status listed on Department of Defense documents; and

2. The deceased service member shall have died while serving on active duty in the uniformed armed forces in a Department of Defense designated combat area under honorable conditions or shall have been designated "Missing in Action" and presumed dead. For purposes of this act, "uniformed armed forces" shall include active-duty members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Reserve elements of any such branches, and National Guard when mobilized for qualifying service.

§ 2. In order to recognize the intrinsic value and worth of each and every service member and the sacred character of the sacrifice of every life, the Virginia War Memorial Foundation Board of Trustees shall develop plans for an additional memorial wall at the Virginia War Memorial on which to record the names and homes of record of Virginians who died while serving on active duty in the uniformed armed forces, as determined by the criteria set forth in subdivisions 1 and 2 of § 1, but who do not meet all of the criteria for inclusion on the Shrine of Memory as set forth in § 1. A deceased Virginian shall be eligible for inclusion on the memorial wall pursuant to this section:

1. Regardless of whether the service member was serving in the continental United States, overseas, or elsewhere;

2. Regardless of the nature of the operations in which the service member was engaged at the time of the wound or injury that resulted in the service member's death;

3. If the deceased service member was a Virginian, based upon official state of residency as listed on Department of Defense documents. However, the Virginia War Memorial Foundation Board of Trustees may also, under extraordinary circumstances and within the full discretion of the Board, determine that he is a Virginian based on place of birth, longtime residency, or other substantial ties to the Commonwealth independent of the residency status listed on Department of Defense documents; and

4. If the deceased service member died while serving on active duty in the uniformed armed forces. For purposes of this act, "uniformed armed forces" shall include active-duty members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Reserve elements of any such branches, and National Guard when mobilized for qualifying service.

§ 3. Notwithstanding § 1 and § 2 of this act, the Virginia War Memorial Foundation Board of Trustees shall have the authority to make the final determination of individual eligibility for memorialization on a case-by-case basis.