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HOUSE JOINT RESOLUTION NO. 114

Offered January 13, 2010

Prefiled January 13, 2010

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

Patrons—Bell, Robert B. and Howell, W.J.; Senator: Hurt

Referred to Committee on Privileges and Elections

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.

Except for public uses, private property shall not be taken or damaged. In addition, unless property is taken or damaged for the provision of any utility or common carrier service, property can only be taken or damaged where the primary purpose of the taking or damaging is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more private property may be taken than that which is necessary to achieve the stated public use. Whenever an attempt is made to take or damage property for a stated public use, the owner shall have the right to a judicial determination that the use is truly public, without regard to any legislative assertion that the use is public.

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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