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SENATE JOINT RESOLUTION NO. 307

Offered January 12, 2011

Prefiled January 5, 2011

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

Patrons—Obenshain and Vogel

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. The term "public uses" under this section shall be defined by the General Assembly. No more private property may be taken than necessary to achieve the stated public use.

Except where property is taken for public transportation facilities, private property may not be taken or damaged for a public use when the primary purpose is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment; provided, however, that a corporation organized as a public service corporation, public service company, or railroad shall not be deemed to be taking private property for the previously enumerated purpose to the extent that such public service corporation, public service company, or railroad exercises the power of eminent domain in the conduct of its public service business as authorized by general law.

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.

INTRODUCED

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