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HOUSE BILL NO. 1421

Offered January 9, 2013

Prefiled December 19, 2012

A BILL to amend the Code of Virginia by adding in Chapter 2 of Title 24.2 an article numbered 8, consisting of sections numbered 24.2-239, 24.2-240, and 24.2-241, relating to a convention to amend the United States Constitution; delegates.

Patron—Pogge

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 24.2 an article numbered 8, consisting of sections numbered 24.2-239, 24.2-240, and 24.2-241, as follows:

Article 8.

Delegates to a Convention to Amend the United States Constitution.

§ 24.2-239. Definitions.

As used in this section, unless the context requires a different meaning:

"Convention" means a convention for proposing amendments to the United States Constitution called for by the states pursuant to Article V of the United States Constitution.

"Delegate" means a resident of the Commonwealth who meets the same qualifications necessary to hold office in the General Assembly. "Delegate" may include persons holding public office, except that no member of the United States House of Representatives or Senate shall be eligible.

§ 24.2-240. Selection and control of delegates by General Assembly.

A. Any time a convention is called pursuant to Article V of the United States Constitution, the General Assembly shall appoint the delegates and alternate delegates from the Commonwealth to such convention. The General Assembly may select one or more members of the United States House of Representatives or Senate who represent the Commonwealth to attend the convention as observers.

B. At any time, the General Assembly may by joint resolution recall delegates, alternate delegates, or observers to the convention, or appoint new delegates, alternate delegates, or observers.

C. In the event of a conflict between this section and the rules or procedures established by the convention, the General Assembly may by joint resolution conform the provisions of this section to such rules or procedures.

D. Delegates and alternate delegates shall be compensated for the performance of their duties at the per diem rate set forth in § 30-19.12.

§ 24.2-241. Duties of delegates attending convention.

A. Prior to the convention, the General Assembly shall by joint resolution provide instructions to the delegates selected pursuant to § 24.2-240 regarding the scope of matters they may consider and vote on at a convention, including rules of procedure and proposed amendments. Such instructions may be changed prior to or during the course of the convention.

B. Each delegate and alternate delegate shall, by oath or affirmation as provided for in Article II, Section 7 of the Constitution of Virginia, and as a condition of participating in the convention, agree to (i) faithfully and impartially discharge all the duties incumbent upon a convention delegate and (ii) abide by instructions established by joint resolution of the General Assembly for participation in the convention.

C. Any vote cast by a delegate at a convention that is outside of the scope of the instructions established by the General Assembly is void. Any delegate casting or attempting to cast such vote shall be immediately removed from his office and replaced by an alternate delegate.

D. Any delegate who violates this section is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB1421