

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Bennett Barbour's estate.*

3 [S 1132]

4 Approved

5 Whereas, on April 14, 1978, Bennett Barbour (Mr. Barbour) was convicted of rape and was  
6 sentenced on April 28, 1978, to 10 years for rape; and7 Whereas, in 1978, Mr. Barbour was also convicted of unrelated burglary and larceny offenses and on  
8 April 17, 1978, was sentenced to serve five years for burglary and three years for grand larceny; and9 Whereas, Mr. Barbour served time from February 15, 1978, to June 23, 1982, and then re-entered  
10 prison from September 3, 1985, until March 26, 1987; and11 Whereas, Mr. Barbour served a total of five years and eleven months, and using the quarter-time  
12 calculation for parolees, two years can be attributed to the burglary and grand larceny convictions and  
13 the remaining three years and eleven months attributed to his rape conviction; and14 Whereas, in 2010 the Virginia Department of Forensic Science conducted DNA analysis on evidence  
15 from the rape which failed to identify Mr. Barbour's DNA and instead implicated a convicted rapist; and16 Whereas, on May 24, 2012, Mr. Barbour was granted a writ of actual innocence by the Virginia  
17 Supreme Court, formally clearing him of the rape; and

18 Whereas, on January 10, 2013, Mr. Barbour died; and

19 Whereas, Mr. Barbour had no other means to obtain adequate relief except by action of this body;  
20 now, therefore,21 **Be it enacted by the General Assembly of Virginia:**22 1. § 1. *That, notwithstanding the provisions of Article 18.2 (§ 8.01-195.10 et seq.) of Chapter 3 of Title*  
23 *8.01 of the Code of Virginia and because Mr. Barbour was alive at the time a claim on his behalf was*  
24 *introduced into the 2013 Session of the General Assembly, there is hereby appropriated from the*  
25 *general fund of the state treasury the sum of \$162,527 to be paid to the estate of Mr. Bennett Barbour*  
26 *(Mr. Barbour) upon execution of a release by the personal representative of Mr. Barbour's estate from*  
27 *any present or future claims Mr. Barbour or his estate may have against the Commonwealth or any*  
28 *agency, instrumentality, office, employee, or political subdivision thereof and any legal counsel*  
29 *appointed pursuant to § 19.2-159 of the Code of Virginia.*30 *The compensation, subject to the execution of the release described herein, shall be paid as a lump*  
31 *sum of \$162,527 to the estate of Mr. Barbour by check issued by the State Treasurer on warrant of the*  
32 *Comptroller within 60 days immediately following the execution of such release.*