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SENATE BILL NO. 1132**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Finance
on January 29, 2013)

(Patron Prior to Substitute—Senator McEachin)

A BILL for the relief of Bennett Barbour's estate.

Whereas, on April 14, 1978, Bennett Barbour (Mr. Barbour) was convicted of rape and was sentenced on April 28, 1978, to 10 years for rape; and

Whereas, in 1978, Mr. Barbour was also convicted of unrelated burglary and larceny offenses and on April 17, 1978, was sentenced to serve five years for burglary and three years for grand larceny; and

Whereas, Mr. Barbour served time from February 15, 1978, to June 23, 1982, and then re-entered prison from September 3, 1985, until March 26, 1987; and

Whereas, Mr. Barbour served a total of five years and eleven months, and using the quarter-time calculation for parolees, two years can be attributed to the burglary and grand larceny convictions and the remaining three years and eleven months attributed to his rape conviction; and

Whereas, in 2010 the Virginia Department of Forensic Science conducted DNA analysis on evidence from the rape which failed to identify Mr. Barbour's DNA and instead implicated a convicted rapist; and

Whereas, on May 24, 2012, Mr. Barbour was granted a writ of actual innocence by the Virginia Supreme Court, formally clearing him of the rape; and

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

Whereas, Mr. Barbour had no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. That, notwithstanding the provisions of Article 18.2 (§ 8.01-195.10 et seq.) of Chapter 3 of Title 8.01 of the Code of Virginia, there is hereby appropriated from the general fund of the state treasury the sum of \$162,527 to be paid to the estate of Mr. Bennett Barbour (Mr. Barbour) upon execution of a release by the personal representative of Mr. Barbour's estate from any present or future claims Mr. Barbour or his estate may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision thereof and any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia.

The compensation, subject to the execution of the release described herein, shall be paid as a lump sum of \$162,527 to the estate of Mr. Barbour by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.