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HOUSE BILL NO. 1098

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact § 15.2-1812 of the Code of Virginia, relating to removal of certain monuments or memorials for war veterans.

Patron—Levine

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1812 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1812. Memorials for war veterans.

A. A locality may, within the geographical limits of the locality, authorize and permit the erection of monuments or memorials for any war or conflict, or for any engagement of such war or conflict, to include the following monuments or memorials: Algonquin (1622), French and Indian (1754-1763), Revolutionary (1775-1783), War of 1812 (1812-1815), Mexican (1846-1848), Confederate or Union monuments or memorials of the War Between the States (1861-1865), Spanish-American (1898), World War I (1917-1918), World War II (1941-1945), Korean (1950-1953), Vietnam (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-). ~~If~~ *Except as provided in subsection C below, if* such are erected, it shall be unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected, or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation and care of same. For purposes of this section, "disturb or interfere with" includes removal of, damaging or defacing monuments or memorials, or, in the case of the War Between the States, the placement of Union markings or monuments on previously designated Confederate memorials or the placement of Confederate markings or monuments on previously designated Union memorials.

B. The governing body may appropriate a sufficient sum of money out of its funds to complete or aid in the erection of monuments or memorials to the veterans of such wars. The governing body may also make a special levy to raise the money necessary for the erection or completion of any such monuments or memorials, or to supplement the funds already raised or that may be raised by private persons, Veterans of Foreign Wars, the American Legion or other organizations. It may also appropriate, out of any funds of such locality, a sufficient sum of money to permanently care for, protect and preserve such monuments or memorials and may expend the same thereafter as other funds are expended.

C. For any monument or memorial erected prior to 1900, notwithstanding any Act of Assembly regarding the preservation of monuments or memorials enacted prior to 1900, the governing body of the locality in which the monument or memorial is located may remove the monument or memorial to be prominently displayed in an outdoor location on the grounds of a locality-owned history museum that is located within one-quarter mile of the existing site, provided that the governing body has affirmatively voted to relocate the monument or memorial. However, if the monument or memorial is not owned by the locality, the owner of the monument or memorial shall be given an opportunity to reclaim or relocate the monument or memorial within six months of notice from the locality. After six months, if the owner of such a monument or memorial declines the opportunity to reclaim or relocate the monument or memorial in question, the locality shall be authorized to proceed with the relocation.