

# 2020 SPECIAL SESSION I

INTRODUCED

20200904D

## HOUSE BILL NO. 5138

Offered August 26, 2020

A *BILL to amend and reenact § 18.2-137 of the Code of Virginia, relating to intentional injury to property or a monument or memorial; penalty.*

Patron—Carter

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-137 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-137. Injuring, etc., any property or a monument or memorial; penalties.**

A. If any person unlawfully (i) destroys, defaces, damages, or removes without the intent to steal any property, real or personal, not his own; or (ii) breaks down, destroys, defaces, damages, or removes without the intent to steal, any monument or memorial for war veterans, not his own, described in § 15.2-1812; any monument erected to mark the site of any engagement fought during the Civil War, or any memorial to designate the boundaries of any city, town, tract of land, or any tree marked for that purpose, he ~~shall be~~ is guilty of a Class 3 misdemeanor; ~~provided that. However,~~ the court may, in its discretion, dismiss the charge if the locality or organization that owns or is responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.

B. If any person who is not the owner of ~~such~~ the property, monument, or memorial described in subsection A intentionally causes such injury as described in subsection A, he is guilty of (i) a Class 1 misdemeanor if the value of or damage to the property, memorial, or monument is less than \$1,000 or (ii) a Class 6 felony if the value of or damage to the property, memorial, or monument is \$1,000 or more. The amount of loss caused by the destruction, defacing, damage, or removal of such property, memorial, or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order ~~that~~ the defendant to pay restitution.

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