

# 1996 SESSION

INTRODUCED

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## SENATE BILL NO. 81 Offered January 10, 1996

*A BILL for the relief of Barry Brooks.*

Patron—Lambert

Referred to the Committee on Finance

Whereas, on March 11, 1993, Barry Brooks was sentenced to ten years imprisonment following his conviction by the Greenville County Circuit Court of making a materially false statement on a consent form incidental to the purchase of a firearm, in violation of § 18.2-308.2:2 of the Code of Virginia; and

Whereas, Barry Brooks appealed his conviction to the Court of Appeals of Virginia; and

Whereas, on February 7, 1995, the Court of Appeals of Virginia reversed the conviction on grounds that Mr. Brooks' statement came in response to an inquiry not authorized by § 18.2-308.2:2, and therefore his statement was not subject to criminal sanctions; and

Whereas, while incarcerated Barry Brooks was stabbed by another inmate to such a degree that he required medical attention; and

Whereas, Barry Brooks has also suffered irreparable mental and emotional trauma due to the social stigma resulting from being falsely accused of and convicted for a crime which he did not commit, and which did not exist; and

Whereas, Barry Brooks has no other means to obtain relief except by action of this body; now, therefore,

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

1. § 1. That there is hereby appropriated from the general fund of the state treasury the sum of \$109,500 for the relief of Barry Brooks. This sum shall be paid by check issued by the State Treasurer on a warrant issued by the Comptroller, upon execution by Barry Brooks of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof, in connection with the aforesaid occurrence.

§ 2. The County of Greenville shall reimburse the general fund of the state treasury in an amount equal to the total sum appropriated pursuant to this act. Such amount shall be reimbursed to the general fund of the state treasury from the distribution of net profits apportioned to the County of Greenville pursuant to § 4.1-117 of the Code of Virginia.

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