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HOUSE BILL NO. 2559**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Joint Conference Committee

on February 26, 1999)

(Patron Prior to Substitute—Delegate Reid)

A BILL to amend the Code of Virginia by adding a section numbered 15.2-1812.1, relating to action for injury to monuments and memorials.

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-1812.1 as follows:**

§ 15.2-1812.1. Action for injury to memorials for war veterans.

A. The attorney for the locality, or any aggrieved person residing therein, in which a publicly owned monument, marker or memorial for war veterans is located, or any private organization, society, museum or any aggrieved member thereof that owns a memorial, monument or marker, whose public or private property is injured by reason of a violation of, or encroachment upon, memorials for war veterans covered by § 15.2-1812, or noncompliance with the responsibility to pay restitution for all injury to any property, memorial, monument or marker covered by § 18.2-137, may sue for violation of § 15.2-1812 or § 18.2-137 and recover damages in such amounts as necessary for the purposes of rebuilding, repairing, preserving, and restoring such memorials, property, and monuments or markers to pre-encroachment condition at the original location. The Virginia Department of Transportation shall be held accountable by the court for the restoration and replacement of markers lost or damaged while in its care.

B. Punitive damages also may be recovered for reckless, willful or wanton conduct resulting in the defacement, malicious destruction, removal or placement of improper markings, monuments or statues.

C. The party who initiates and prevails in an action authorized by this section shall be entitled to an award of the cost of the litigation, including reasonable attorneys' fees. The provisions of this section shall not be construed to limit any person's, or organization's, society's, or museum's or any of their member's rights to pursue any additional civil remedy otherwise allowed by law.