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SENATE BILL NO. 915

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 22, 1999)

(Patron Prior to Substitute—Senator Hawkins)

*A BILL to amend and reenact § 18.2-137 of the Code of Virginia, relating to injury to property.***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, monument, etc.

A. If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal, *any monument or memorial for war veterans described in § 15.2-1812*, any monument erected for the purpose of marking the site of any engagement fought during the War between the States, or for the purpose of designating the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a *Class 3 misdemeanor*; *provided that the court may, in its discretion, dismiss the charge if the locality or organization 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 intentionally causes such injury, he shall be 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 pay restitution.*