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HOUSE JOINT RESOLUTION NO. 561**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice)

(Patron Prior to Substitute—Delegates Watts and Cantor [607])

House Amendments in [] — February 4, 1997

Establishing a joint subcommittee to study crimes of intimidation against ethnic, racial, gender and religious groups, entities and individuals including the incidence of arson against church buildings in Virginia and, specifically, the incidence of arson against African-American church buildings.

WHEREAS, over the past 18 months, fires have been reported in at least 40 predominantly African-American churches across the nation, mostly in the Southeast; and

WHEREAS, with some 300,000 churches nationwide, there are approximately 600 cases of arson against church buildings every year; and

WHEREAS, although the overall trend of arson against church buildings is down, this is not the case among African-American churches in the rural South; and

WHEREAS, according to a tally of cases considered by the federal Bureau of Alcohol, Tobacco and Firearms (ATF) to be "open," six African-American churches have burned in Tennessee, five each in Louisiana, South Carolina and Alabama, four in North Carolina, three in Mississippi, and one each in Georgia and Virginia; and

WHEREAS, President Clinton has ordered a stepped-up federal response to the suspected arsons and laid blame for them on a climate of "racial hostility"; and

WHEREAS, even with more than two dozen law-enforcement personnel from the ATF, the FBI, and local police agencies pouring over it, the stark fire scene only underlines the difficulty investigators face in solving these fires; and

WHEREAS, only a handful of people have been arrested in the apparent arsons, including several linked to extremist groups, and most of the fires remain unsolved, with investigators having found no evidence of a broader conspiracy; and

WHEREAS, the current penalties in Virginia for crimes against church property range from a Class 4 felony for arson to a Class 1 misdemeanor for vandalism; and

WHEREAS, President Clinton has encouraged states to use block grants from the Department of Housing and Urban Development to help congregations rebuild churches that have been destroyed; and

WHEREAS, there is a precedent for using federal money in this fashion without violating state constitutional protections; and

WHEREAS, even though proceeds from fire insurance policies and loans from banks and other financial institutions may be available to some churches to assist in their rebuilding, the extent or availability of such funds is unknown; and

WHEREAS, the invaluable traditional role that churches have played in providing services to the poor and supporting families and individuals in need is even more crucial to assuring long-term success of welfare reform; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study crimes of intimidation against ethnic, racial, gender and religious groups, entities and individuals including the incidence of arson against church buildings in Virginia and, specifically, the incidence of arson against African-American church buildings. The study shall address the current criminal penalties or sanctions and applicable sentencing guidelines and practices throughout the Commonwealth in order to recommend any necessary amendments. In addition, the joint subcommittee shall (i) identify what funds and services are available to assist churches in rebuilding and what might be done to augment the existing funds and services; (ii) examine the availability and affordability of fire coverage, response of insurance companies in processing claims, and increases in fire insurance premiums or policy cancellations; and (iii) review Virginia law relating to penalties for arson and other crimes against church buildings and recommend such changes as the joint subcommittee deems appropriate.

The joint subcommittee shall consist of 7 members as follows: 4 members of the House of Delegates to be appointed by the Speaker of the House; and 3 members of the Senate to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$4,200.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Virginia Crime Commission and the Virginia Criminal Sentencing Commission. [The Superintendent of State Police, the Commissioner of Insurance, the State Fire Marshall, the Attorney General and all] agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

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60 The joint subcommittee shall complete its work in time to submit its findings and recommendations
61 to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the
62 Division of Legislative Automated Systems for the processing of legislative documents.
63 Implementation of this resolution is subject to subsequent approval and certification by the Joint
64 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
65 study.