

990462424

## HOUSE BILL NO. 2559

House Amendments in [ ] — February 9, 1999

A BILL to amend and reenact § 18.2-137 of the Code of Virginia, relating to injuring any property or monument.

Patron—Reid

Consent to introduce

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, monument, etc.; penalty.

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 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, *or any monument erected pursuant to § 15.2-1812*, he shall be guilty of (i) a Class 1 misdemeanor if the value of or damage to the property or monument is less than \$1,000 or (ii) a Class 6 felony if the value of or damage to the property or monument is \$1,000 or more. The amount of loss caused by the destruction, defacing, damage or removal of such property or monument may be established by proof of the fair market cost of repair or fair market replacement value. *Upon conviction, the court [ shall may ] order that the defendant pay restitution [ to the locality or organization responsible for maintaining the property in the amount of the fair market cost of repair or fair market replacement value ] .*

**2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 in FY 2009.**

ENGROSSED

HB2559E