

CHAPTER 620

An Act to amend and reenact § 19.2-368.2 of the Code of Virginia, relating to definitions under the Criminal Injuries Compensation Fund.

[H 297]

Approved April 6, 1990

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-368.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-368.2. Definitions.—For the purpose of this chapter:

1. "Claimant" means the person filing a claim pursuant to this chapter.
2. "Commission" shall mean means the Industrial Commission of Virginia.
3. "Claimant" shall mean the person filing a claim pursuant to this chapter.
3. "Crime" shall mean means an act committed by any person in the Commonwealth of Virginia which would constitute a crime as defined by the Code of Virginia or at common law. However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this chapter unless the injuries (i) were intentionally inflicted through the use of such vehicle or (ii) resulted from a violation of § 18.2-266.

4. "Family," when used with reference to a person, means (1) (i) any person related to such person within the third degree of consanguinity or affinity, (2) (ii) any person residing in the same household with such person, or (3) (iii) a spouse.

5. "Victim" means a person who suffers personal physical injury or death as a direct result of a crime or who suffers personal emotional injury as a direct result of being the subject of a robbery, abduction or attempted robbery or abduction.

CHAPTER 621

An Act to provide for the submission to the voters of a proposed amendment to Section 8 of Article VIII of the Constitution of Virginia, relating to the Literary Fund.

[H 358]

Approved April 6, 1990

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November, 1990, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 8 of Article VIII of the Constitution of Virginia as follows:

ARTICLE VIII.

EDUCATION.

Section 8. The Literary Fund.—The General Assembly shall set apart as a permanent and perpetual school fund the present Literary Fund; the proceeds of all public lands

donated by Congress for free public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the Commonwealth by forfeiture *except as hereinafter provided*, of all fines collected for offenses committed against the Commonwealth, and of the annual interest on the Literary Fund; and such other sums as the General Assembly may appropriate. But so long as the principal of the Fund totals as much as eighty million dollars, the General Assembly may set aside all or any part of additional moneys received into its principal for public school purposes, including the teachers retirement fund.

The General Assembly may provide by general law an exemption from this section for the proceeds from the sale of all property seized and forfeited to the Commonwealth for a violation of the criminal laws of this Commonwealth proscribing the manufacture, sale or distribution of a controlled substance or marijuana. Such proceeds shall be paid into the state treasury and shall be distributed by law for the purpose of promoting law enforcement.

The Literary Fund shall be held and administered by the Board of Education in such manner as may be provided by law. The General Assembly may authorize the Board to borrow other funds against assets of the Literary Fund as collateral, such borrowing not to involve the full faith and credit of the Commonwealth.

The principal of the Fund shall include assets of the Fund in other funds or authorities which are repayable to the Fund.

§ 2. The ballot shall contain the following question:

Question: Shall the provision in the Constitution of Virginia pertaining to the Literary Fund be amended so that proceeds from property seized and forfeited to the Commonwealth for drug law violations can be distributed for the purpose of promoting law enforcement?

☐ Yes

☐ No

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.1-165 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office, and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 1991.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 622

An Act to amend and reenact § 18.2-255.2 of the Code of Virginia, relating to sale of drugs on or near certain properties.