

SENATE BILL NO. 120

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patrons Prior to Substitute--Senators Subramanyam and Bagby)

A BILL to amend and reenact §§ 2.2-3900, 2.2-3902, 2.2-3904, 2.2-3905, 8.01-49.1, 18.2-57, and 18.2-121 of the Code of Virginia, relating to hate crimes and discrimination; ethnic animosity; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3900, 2.2-3902, 2.2-3904, 2.2-3905, 8.01-49.1, 18.2-57, and 18.2-121 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3900. Short title; declaration of policy.

A. This chapter shall be known and cited as the Virginia Human Rights Act.

B. It is the policy of the Commonwealth to:

1. Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, ethnic or national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability in places of public accommodation, including educational institutions and in real estate transactions;

2. Safeguard all individuals within the Commonwealth from unlawful discrimination in employment because of race, color, religion, ethnic or national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, disability, or military status;

3. Preserve the public safety, health, and general welfare;

4. Further the interests, rights, and privileges of individuals within the Commonwealth; and

5. Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors, and the elderly.

The provisions of this chapter shall be construed liberally for the accomplishment of its policies.

27 Conduct that violates any Virginia or federal statute or regulation governing discrimination on the
28 basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth
29 or related medical conditions including lactation, age, military status, disability, or ethnic or national
30 origin is an unlawful discriminatory practice under this chapter.

31 Nothing in this chapter shall prohibit or alter any program, service, facility, school, or privilege
32 that is afforded, oriented, or restricted to a person because of disability or age from continuing to habilitate,
33 rehabilitate, or accommodate that person.

34 In addition, nothing in this chapter shall be construed to affect any governmental program, law or
35 activity differentiating between persons on the basis of age over the age of 18 years (i) where the
36 differentiation is reasonably necessary to normal operation or the activity is based upon reasonable factors
37 other than age or (ii) where the program, law or activity constitutes a legitimate exercise of powers of the
38 Commonwealth for the general health, safety and welfare of the population at large.

39 Complaints filed with the Office of Civil Rights of the Department of Law (the Office) in
40 accordance with § 2.2-520 alleging unlawful discriminatory practice under a Virginia statute that is
41 enforced by a Virginia agency shall be referred to that agency. The Office may investigate complaints
42 alleging an unlawful discriminatory practice under a federal statute or regulation and attempt to resolve it
43 through conciliation. Unsolved complaints shall thereafter be referred to the federal agency with
44 jurisdiction over the complaint. Upon such referral, the Office shall have no further jurisdiction over the
45 complaint. The Office shall have no jurisdiction over any complaint filed under a local ordinance adopted
46 pursuant to § 15.2-965.

47 **§ 2.2-3904. Nondiscrimination in places of public accommodation; definitions.**

48 A. As used in this section:

49 "Age" means being an individual who is at least 18 years of age.

50 "Place of public accommodation" means all places or businesses offering or holding out to the
51 general public goods, services, privileges, facilities, advantages, or accommodations.

52 B. It is an unlawful discriminatory practice for any person, including the owner, lessee, proprietor,
53 manager, superintendent, agent, or employee of any place of public accommodation, to refuse, withhold

54 from, or deny any individual, or to attempt to refuse, withhold from, or deny any individual, directly or
55 indirectly, any of the accommodations, advantages, facilities, services, or privileges made available in any
56 place of public accommodation, or to segregate or discriminate against any such person in the use thereof,
57 or to publish, circulate, issue, display, post, or mail, either directly or indirectly, any communication,
58 notice, or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or
59 services of any such place shall be refused, withheld from, or denied to any individual on the basis of race,
60 color, religion, ethnic or national origin, sex, pregnancy, childbirth or related medical conditions, age,
61 sexual orientation, gender identity, marital status, disability, or military status.

62 C. The provisions of this section shall not apply to a private club, a place of accommodation owned
63 by or operated on behalf of a religious corporation, association, or society that is not in fact open to the
64 public, or any other establishment that is not in fact open to the public.

65 D. The provisions of this section shall not prohibit (i) discrimination against individuals who are
66 less than 18 years of age or (ii) the provision of special benefits, incentives, discounts, or promotions by
67 public or private programs to assist persons who are 50 years of age or older.

68 E. The provisions of this section shall not supersede or interfere with any state law or local
69 ordinance that prohibits a person under the age of 21 from entering a place of public accommodation.

70 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

71 A. As used in this section:

72 "Age" means being an individual who is at least 40 years of age.

73 "Domestic worker" means an individual who is compensated directly or indirectly for the
74 performance of services of a household nature performed in or about a private home, including services
75 performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids,
76 housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides,
77 personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include (i)
78 a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in the
79 child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an employee
80 of a child day program; or (iii) any employee employed on a casual basis in domestic service employment

81 to provide companionship services for individuals who, because of age or infirmity, are unable to care for
82 themselves.

83 "Employee" means an individual employed by an employer.

84 "Employer" means a person employing (i) 15 or more employees for each working day in each of
85 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or
86 (ii) one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B
87 1 on the basis of race, color, religion, ethnic or national origin, military status, sex, sexual orientation,
88 gender identity, marital status, disability, pregnancy, or childbirth or related medical conditions including
89 lactation, "employer" means any person employing more than five persons or one or more domestic
90 workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer"
91 means any employer employing more than five but fewer than 20 persons.

92 "Employment agency" means any person, or an agent of such person, regularly undertaking with
93 or without compensation to procure employees for an employer or to procure for employees opportunities
94 to work for an employer.

95 "Joint apprenticeship committee" means the same as that term is defined in § 2.2-2043.

96 "Labor organization" means an organization engaged in an industry, or an agent of such
97 organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of
98 employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions
99 of employment. "Labor organization" includes employee representation committees, groups, or
100 associations in which employees participate.

101 "Lactation" means a condition that may result in the feeding of a child directly from the breast or
102 the expressing of milk from the breast.

103 B. It is an unlawful discriminatory practice for:

104 1. An employer to:

105 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to
106 such individual's compensation, terms, conditions, or privileges of employment because of such
107 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,

108 childbirth or related medical conditions including lactation, age, military status, disability, or ethnic or
109 national origin; or

110 b. Limit, segregate, or classify employees or applicants for employment in any way that would
111 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an
112 individual's status as an employee, because of such individual's race, color, religion, sex, sexual
113 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including
114 lactation, age, military status, disability, or ethnic or national origin.

115 2. An employment agency to:

116 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because
117 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
118 childbirth or related medical conditions, age, military status, disability, or ethnic or national origin; or

119 b. Classify or refer for employment any individual on the basis of such individual's race, color,
120 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
121 conditions, age, military status, disability, or ethnic or national origin.

122 3. A labor organization to:

123 a. Exclude or expel from its membership, or otherwise discriminate against, any individual because
124 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
125 childbirth or related medical conditions, age, military status, disability, or ethnic or national origin;

126 b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to
127 or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such
128 individual of employment opportunities, or would limit such employment opportunities or otherwise
129 adversely affect an individual's status as an employee or as an applicant for employment, because of such
130 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
131 childbirth or related medical conditions, age, military status, disability, or ethnic or national origin; or

132 c. Cause or attempt to cause an employer to discriminate against an individual in violation of
133 subdivisions a or b.

134 4. An employer, labor organization, or joint apprenticeship committee to discriminate against any
135 individual in any program to provide apprenticeship or other training program on the basis of such
136 individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related
137 medical conditions, age, military status, disability, or ethnic or national origin.

138 5. An employer, in connection with the selection or referral of applicants or candidates for
139 employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the
140 results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender
141 identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability,
142 or ethnic or national origin.

143 6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual
144 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
145 military status, disability, or ethnic or national origin as a motivating factor for any employment practice,
146 even though other factors also motivate the practice.

147 7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an
148 employment agency or a joint apprenticeship committee controlling an apprenticeship or other training
149 program to discriminate against any individual, or (iii) a labor organization to discriminate against any
150 member thereof or applicant for membership because such individual has opposed any practice made an
151 unlawful discriminatory practice by this chapter or because such individual has made a charge, testified,
152 assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

153 8. An employer, labor organization, employment agency, or joint apprenticeship committee
154 controlling an apprenticeship or other training program to print or publish, or cause to be printed or
155 published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership
156 in or any classification or referral for employment by such a labor organization, (iii) any classification or
157 referral for employment by such an employment agency, or (iv) admission to, or employment in, any
158 program established to provide apprenticeship or other training by such a joint apprenticeship committee
159 that indicates any preference, limitation, specification, or discrimination based on race, color, religion,
160 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions,

161 age, military status, disability, or ethnic or national origin, except that such a notice or advertisement may
162 indicate a preference, limitation, specification, or discrimination based on religion, sex, age, or ethnic or
163 national origin when religion, sex, age, or ethnic or national origin is a bona fide occupational qualification
164 for employment.

165 C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory
166 practice:

167 1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or
168 refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or
169 refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship
170 committee to admit or employ any individual in any apprenticeship or other training program on the basis
171 of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona
172 fide occupational qualification reasonably necessary to the normal operation of that particular employer,
173 employment agency, labor organization, or joint apprenticeship committee;

174 2. For an elementary or secondary school or institution of higher education to hire and employ
175 employees of a particular religion if such elementary or secondary school or institution of higher education
176 is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by
177 a particular religious corporation, association, or society or if the curriculum of such elementary or
178 secondary school or institution of higher education is directed toward the propagation of a particular
179 religion;

180 3. For an employer to apply different standards of compensation, or different terms, conditions, or
181 privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures
182 earnings by quantity or quality of production, or to employees who work in different locations, provided
183 that such differences are not the result of an intention to discriminate because of race, color, religion, sex,
184 sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
185 military status, disability, or ethnic or national origin;

186 4. For an employer to give and to act upon the results of any professionally developed ability test,
187 provided that such test, its administration, or an action upon the results is not designed, intended, or used

188 to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status,
189 pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national
190 origin;

191 5. For an employer to provide reasonable accommodations related to disability, pregnancy,
192 childbirth or related medical conditions, and lactation, when such accommodations are requested by the
193 employee; or

194 6. For an employer to condition employment or premises access based upon citizenship where the
195 employer is subject to any requirement imposed in the interest of the national security of the United States
196 under any security program in effect pursuant to or administered under any statute or regulation of the
197 federal government or any executive order of the President of the United States.

198 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor
199 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any
200 group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity,
201 marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic
202 or national origin on account of an imbalance that may exist with respect to the total number or percentage
203 of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
204 childbirth or related medical conditions, age, military status, disability, or ethnic or national origin
205 employed by any employer, referred or classified for employment by any employment agency or labor
206 organization, admitted to membership or classified by any labor organization, or admitted to or employed
207 in any apprenticeship or other training program, in comparison with the total number or percentage of
208 persons of such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
209 childbirth or related medical conditions, age, military status, disability, or ethnic or national origin in any
210 community.

211 E. The provisions of this section shall not apply to the employment of individuals of a particular
212 religion by a religious corporation, association, educational institution, or society to perform work
213 associated with its activities.

214 **§ 8.01-49.1. Liability for defamatory material on the Internet.**

215 A. No provider or user of an interactive computer service on the Internet shall be treated as the
216 publisher or speaker of any information provided to it by another information content provider. No
217 provider or user of an interactive computer service shall be liable for (i) any action voluntarily taken by it
218 in good faith to restrict access to, or availability of, material that the provider or user considers to be
219 obscene, lewd, lascivious, excessively violent, harassing, or intended to incite hatred on the basis of race,
220 religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national
221 origin, whether or not such material is constitutionally protected, or (ii) any action taken to enable, or
222 make available to information content providers or others, the technical means to restrict access to
223 information provided by another information content provider.

224 B. As used in this section:

225 "Disability" means a physical or mental impairment that substantially limits one or more of a
226 person's major life activities.

227 "Information content provider" means any person or entity that is responsible, in whole or in part,
228 for the creation or development of information provided through the Internet or any other interactive
229 computer service.

230 "Interactive computer service" means any information service, system, or access software provider
231 that provides or enables computer access by multiple users to a computer server, including specifically a
232 service or system that provides access to the Internet and such systems operated or services offered by
233 libraries or educational institutions.

234 "Internet" means the international computer network of interoperable packet-switched data
235 networks.

236 **§ 18.2-57. Assault and battery; penalty.**

237 A. Any person who commits a simple assault or assault and battery is guilty of a Class 1
238 misdemeanor, and if the person intentionally selects the person against whom a simple assault is
239 committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation,
240 color, or ethnic or national origin, the penalty upon conviction shall include a term of confinement of at
241 least six months.

242 B. However, if a person intentionally selects the person against whom an assault and battery
243 resulting in bodily injury is committed because of his race, religious conviction, gender, disability, gender
244 identity, sexual orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and
245 the penalty upon conviction shall include a term of confinement of at least six months.

246 C. In addition, if any person commits an assault or an assault and battery against another knowing
247 or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as
248 defined in subsection G, a correctional officer as defined in § 53.1-1, a person directly involved in the
249 care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee
250 of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates
251 in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons
252 in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other
253 individual who provides control, care, or treatment of sexually violent predators committed to the custody
254 of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-
255 102, or a volunteer firefighter or any emergency medical services personnel member who is employed by
256 or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire
257 department or volunteer emergency medical services agency, regardless of whether a resolution has been
258 adopted by the governing body of a political subdivision recognizing such firefighters or emergency
259 medical services personnel as employees, engaged in the performance of his public duties anywhere in
260 the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such
261 person shall include a mandatory minimum term of confinement of six months.

262 Nothing in this subsection shall be construed to affect the right of any person charged with a
263 violation of this section from asserting and presenting evidence in support of any defenses to the charge
264 that may be available under common law.

265 D. In addition, if any person commits a battery against another knowing or having reason to know
266 that such other person is a full-time or part-time employee of any public or private elementary or secondary
267 school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and
268 the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which

269 shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a
270 firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a
271 mandatory minimum sentence of confinement of six months.

272 E. In addition, any person who commits a battery against another knowing or having reason to
273 know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the
274 performance of his duties in a hospital or in an emergency room on the premises of any clinic or other
275 facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such
276 person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall
277 be a mandatory minimum term of confinement.

278 F. In addition, any person who commits an assault or an assault and battery against another
279 knowing or having reason to know that such individual is an operator of a vehicle operated by a public
280 transportation service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty
281 of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person
282 from entering or riding in any vehicle operated by the public transportation service that employed such
283 operator for a period of not less than six months as a term and condition of such sentence.

284 G. As used in this section:

285 "Disability" means a physical or mental impairment that substantially limits one or more of a
286 person's major life activities.

287 "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.)
288 of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

289 "Judge" means any justice or judge of a court of record of the Commonwealth including a judge
290 designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore
291 under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers'
292 Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge
293 of such district court.

294 "Law-enforcement officer" means any full-time or part-time employee of a police department or
295 sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof

296 who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or
297 highway laws of the Commonwealth, any conservation officer of the Department of Conservation and
298 Recreation commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage
299 Control Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn
300 members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-
301 217, and any employee with internal investigations authority designated by the Department of Corrections
302 pursuant to subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional
303 correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or
304 local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and
305 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan
306 Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30
307 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

308 "School security officer" means the same as that term is defined in § 9.1-101.

309 H. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any
310 school security officer or full-time or part-time employee of any public or private elementary or secondary
311 school while acting in the course and scope of his official capacity, any of the following: (i) incidental,
312 minor or reasonable physical contact or other actions designed to maintain order and control; (ii)
313 reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance
314 that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to
315 prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-
316 defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or
317 other dangerous objects or controlled substances or associated paraphernalia that are upon the person of
318 the student or within his control.

319 In determining whether a person was acting within the exceptions provided in this subsection, due
320 deference shall be given to reasonable judgments that were made by a school security officer or full-time
321 or part-time employee of any public or private elementary or secondary school at the time of the event.

322 **§ 18.2-121. Entering property of another for purpose of damaging it, etc.; penalties.**

323 A. As used in this section, "disability" means a physical or mental impairment that substantially
324 limits one or more of a person's major life activities.

325 B. It is unlawful for any person to enter the land, dwelling, outhouse, or any other building of
326 another for the purpose of damaging such property or any of the contents thereof or in any manner to
327 interfere with the rights of the owner, user, or occupant thereof to use such property free from interference.

328 Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. However,
329 if a person intentionally selects the property entered because of the race, religious conviction, color,
330 gender, disability, gender identity, sexual orientation, or ethnic or national origin of the owner, user, or
331 occupant of the property, the person is guilty of a Class 6 felony, and the penalty upon conviction shall
332 include a term of confinement of at least six months.

333 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
334 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
335 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
336 **therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia**
337 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**
338 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for**
339 **periods of commitment to the custody of the Department of Juvenile Justice.**

340 **3. That the provisions of this act shall not be construed to diminish or infringe upon any right**
341 **protected under the First Amendment to the Constitution of the United States or under the**
342 **Constitution of Virginia.**

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