

No: 2561

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



# ENROLLED

Com. Sub. For

HOUSE BILL No. 2561

(By Delegates JORDAN + FARLEY )



Passed MARCH 14, 1987

In Effect Ninety DAYS FROM Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2561**  
(By DELEGATES JORDAN and FARLEY)

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[Passed March 14, 1987; in effect ninety days from passage.]

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AN ACT to amend article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirteen-a; to amend and reenact sections three, nine, fourteen, nineteen and twenty, article two-a, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article eleven-a, chapter sixty-one of said code by adding thereto a new section, designated section two-a, all relating to the court of claims; claims for unjust arrest and imprisonment or conviction and imprisonment; compensation awards to victims of crimes; claim investigators; compensation and expenses; paralegals and support staff; increasing amounts awardable for emotional distress, injury claims and funeral expenses; creating a special economic loss claim payment fund and authorizing payments therefrom without prior legislative approval; required notification of victim compensation law by prosecuting attorney offices; and prohibiting prosecutors from representing claimants.

*Be it enacted by the Legislature of West Virginia:*

That article two, chapter fourteen of the code of West

Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section designated section thirteen-a; that sections three, nine, fourteen, nineteen and twenty, article two-a, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article eleven-a, chapter sixty-one of said code be amended by adding thereto a new section, designated section two-a, all to read as follows:

**CHAPTER 14. CLAIMS DUE AND AGAINST  
THE STATE.**

**ARTICLE 2. CLAIMS AGAINST THE STATE.**

**§14-2-13a. Claims for unjust arrest and imprisonment or conviction and imprisonment.**

1       (a) The Legislature finds and declares that innocent  
2 persons who have been wrongly convicted of crimes and  
3 subsequently imprisoned and innocent persons wrongly  
4 arrested, charged with a crime or imprisoned, who have  
5 subsequently been released when another person was  
6 arrested, prosecuted and convicted of the same criminal  
7 offense have been frustrated in seeking legal redress due  
8 to a variety of substantive and technical obstacles in the  
9 law and that such persons should have an available  
10 avenue of redress over and above the existing tort  
11 remedies to seek compensation for damages. The  
12 Legislature intends by enactment of the provisions of  
13 this section that those innocent persons who can  
14 demonstrate by clear and convincing evidence that they  
15 were unjustly arrested and imprisoned or unjustly  
16 convicted and imprisoned be able to recover damages  
17 against the state. In light of the substantial burden of  
18 proof that must be carried by such persons, it is the  
19 intent of the Legislature that the court, in exercising its  
20 discretion as permitted by law regarding the weight and  
21 admissibility of evidence submitted pursuant to this  
22 section, shall, in the interest of justice, give due  
23 consideration to difficulties of proof caused by the  
24 passage of time, the death or unavailability of witnesses,  
25 the destruction of evidence or other factors not caused  
26 by such persons or those acting on their behalf.

27       (b) Any person arrested or imprisoned or convicted

28 and subsequently imprisoned for one or more felonies or  
29 misdemeanors against the state which he did not  
30 commit may, under the conditions hereinafter provided,  
31 present a claim for damages against the state.

32 (c) In order to present the claim for unjust arrest or  
33 imprisonment, claimant must establish by documentary  
34 evidence that he has been arrested and imprisoned, or  
35 both arrested and imprisoned and charged by warrant,  
36 information or indictment for one or more felonies  
37 against the state and that subsequently another person  
38 was arrested or prosecuted and convicted for the same  
39 criminal offense or offenses and all charges against the  
40 claimant were dismissed.

41 (d) In order to present the claim for unjust arrest,  
42 imprisonment or conviction and imprisonment, claimant  
43 must establish by documentary evidence that (1) he has  
44 been convicted of one or more felonies or misdemeanors  
45 against the state and subsequently sentenced to a term  
46 of imprisonment, and has served all or any part of the  
47 sentence; and (2) he has been pardoned upon the ground  
48 of innocence of the crime or crimes for which he was  
49 sentenced and which are the grounds for the complaint;  
50 or (3) his judgment of conviction was reversed or  
51 vacated, and the accusatory instrument dismissed or, if  
52 a new trial was ordered, either he was found not guilty  
53 at the new trial or he was not retried and the accusatory  
54 instrument dismissed; or (4) the statute, or application  
55 thereof, on which the accusatory instrument was based  
56 violated the constitution of the United States or the state  
57 of West Virginia; and (5) his claim is not time barred  
58 by the provisions of subdivision (h) of this section.

59 (e) The claim shall state facts in sufficient detail to  
60 permit the court to find that claimant is likely to  
61 succeed at trial in proving that (1) in the case of an  
62 unjust arrest or imprisonment with a warrant, informa-  
63 tion or indictment which was subsequently dismissed  
64 that another person was arrested or prosecuted and  
65 convicted for the same offense or offenses, and (2) in the  
66 case of an unjust conviction and imprisonment that he  
67 did not commit any of the acts charged in the accusatory  
68 instrument or his acts or omissions charged in the

69 accusatory instrument did not constitute a felony or  
70 misdemeanor against the state, and (3) he did not by his  
71 own conduct cause or bring about his conviction. The  
72 claim shall be verified. If the court finds after reading  
73 the claim that claimant is not likely to succeed at trial,  
74 it shall dismiss the claim, either on its own motion or  
75 on the motion of the state.

76 (f) In order to obtain a judgment in his favor,  
77 claimant must prove by clear and convincing evidence  
78 that:

79 (1) He has been arrested and imprisoned, or both  
80 arrested and imprisoned, and charged by warrant,  
81 information or indictment for one or more felonies, and  
82 that the charges were dismissed against him when  
83 another person was subsequently charged, arrested and  
84 convicted of the same felony or felonies;

85 (2) He has been convicted of one or more felonies or  
86 misdemeanors against the state and subsequently  
87 sentenced to a term of imprisonment, and has served all  
88 or any part of the sentence; or

89 (3) (A) He has been pardoned upon the ground of  
90 innocence of the crime or crimes for which he was  
91 sentenced and which are the grounds for the complaint;  
92 or (B) his judgment of conviction was reversed or  
93 vacated, and the accusatory instrument dismissed or, if  
94 a new trial was ordered, either he was found not guilty  
95 at the new trial or he was not retried and the accusatory  
96 instrument dismissed; or (C) the statute, or application  
97 thereof, on which the accusatory instrument was based  
98 violated the constitution of the United States or the state  
99 of West Virginia;

100 (4) He did not commit any of the acts charged in the  
101 accusatory instrument or his acts or omissions charged  
102 in the accusatory instrument did not constitute a felony  
103 or misdemeanor against the state; and

104 (5) He did not by his own conduct cause or bring  
105 about his conviction.

106 (g) If the court finds that the claimant is entitled to  
107 a judgment, it shall award damages in such sum of

108 money as the court determines will fairly and reason-  
109 ably compensate him.

110 (h) Any person claiming compensation under this  
111 section based on a pardon that was granted before the  
112 effective date of this section or the dismissal of an  
113 accusatory instrument that occurred before the effective  
114 date of this section shall file his claim within two years  
115 after the effective date of this section. Any person  
116 claiming compensation under this section based on a  
117 pardon that was granted on or after the effective date  
118 of this section or the dismissal of an accusatory  
119 instrument that occurred on or after the effective date  
120 of this section shall file his claim within two years after  
121 the pardon or dismissal.

122 (i) Any person claiming compensation under this  
123 section based on the dismissal of a felony charge or  
124 charges against him when another person is subse-  
125 quently charged, arrested and convicted of the same  
126 felony charge or charges based upon a dismissal of the  
127 felony charge or charges that occurred before the  
128 effective date of this section shall file his claim within  
129 one year after the effective date of this section.

**ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF  
CRIMES.**

**§14-2A-3. Definitions.**

1 As used in this article, the term:

2 (a) "Claimant" means any of the following persons,  
3 whether residents or nonresidents of this state, who  
4 claim an award of compensation under this article:

5 (1) A victim;

6 (2) A dependent, spouse or minor child of a deceased  
7 victim; or in the event that the deceased victim is a  
8 minor, the parents, legal guardians and siblings of the  
9 victim;

10 (3) A third person other than a collateral source who  
11 legally assumes or voluntarily pays the obligations of a  
12 victim, or of a dependent of a victim, which obligations  
13 are incurred as a result of the criminally injurious

14 conduct that is the subject of the claim;

15 (4) A person who is authorized to act on behalf of a  
16 victim, dependent or a third person who is not a  
17 collateral source.

18 (b) "Collateral source" means a source of benefits or  
19 advantages for economic loss otherwise compensable  
20 that the victim or claimant has received, or that is  
21 readily available to him, from any of the following  
22 sources:

23 (1) The offender, except any restitution received from  
24 the offender pursuant to an order by a court of law  
25 sentencing the offender or placing him on probation  
26 following a conviction in a criminal case arising from  
27 the criminally injurious act for which a claim for  
28 compensation is made;

29 (2) The government of the United States or any of its  
30 agencies, a state or any of its political subdivisions, or  
31 an instrumentality of two or more states;

32 (3) Social security, medicare and medicaid;

33 (4) State-required, temporary, nonoccupational dis-  
34 ability insurance; other disability insurance;

35 (5) Workers' compensation;

36 (6) Wage continuation programs of any employer;

37 (7) Proceeds of a contract of insurance payable to the  
38 victim or claimant for loss that was sustained because  
39 of the criminally injurious conduct;

40 (8) A contract providing prepaid hospital and other  
41 health care services or benefits for disability;

42 (9) That portion of the proceeds of all contracts of  
43 insurance payable to the claimant on account of the  
44 death of the victim which exceeds twenty-five thousand  
45 dollars.

46 (c) "Criminally injurious conduct" means conduct that  
47 occurs or is attempted in this state which by its nature  
48 poses a substantial threat of personal injury or death,  
49 and is punishable by fine or imprisonment or death, or

50 would be so punishable but for the fact that the person  
51 engaging in the conduct lacked capacity to commit the  
52 crime under the laws of this state. Criminally injurious  
53 conduct does not include conduct arising out of the  
54 ownership, maintenance or use of a motor vehicle,  
55 except when the person engaging in the conduct  
56 intended to cause personal injury or death, or except  
57 when the person engaging in the conduct committed  
58 negligent homicide, driving under the influence of  
59 alcohol, controlled substances or drugs, or reckless  
60 driving.

61 (d) "Dependent" means an individual who received  
62 over half of his support from the victim. For the purpose  
63 of determining whether an individual received over half  
64 of his support from the victim, there shall be taken into  
65 account the amount of support received from the victim  
66 as compared to the entire amount of support which the  
67 individual received from all sources, including support  
68 which the individual himself supplied. The term  
69 "support" includes, but is not limited to, food, shelter,  
70 clothing, medical and dental care and education. The  
71 term "dependent" includes a child of the victim born  
72 after his death.

73 (e) "Economic loss" means economic detriment con-  
74 sisting only of allowable expense, work loss and  
75 replacement services loss. If criminally injurious  
76 conduct causes death, economic loss includes a depend-  
77 ent's economic loss and a dependent's replacement  
78 services loss. Noneconomic detriment is not economic  
79 loss; however, economic loss may be caused by pain and  
80 suffering or physical impairment.

81 (f) "Allowable expense" means reasonable charges  
82 incurred or to be incurred for reasonably needed  
83 products, services and accommodations, including those  
84 for medical care, prosthetic devices, eye glasses,  
85 dentures, rehabilitation and other remedial treatment  
86 and care.

87 Allowable expense includes a total charge not in  
88 excess of two thousand dollars for expenses in any way  
89 related to funeral, cremation and burial. It does not

90 include that portion of a charge for a room in a hospital,  
91 clinic, convalescent home, nursing home or any other  
92 institution engaged in providing nursing care and  
93 related services in excess of a reasonable and customary  
94 charge for semiprivate accommodations, unless accom-  
95 modations other than semiprivate accommodations are  
96 medically required.

97 (g) "Work loss" means loss of income from work that  
98 the injured person would have performed if he had not  
99 been injured and expenses reasonably incurred or to be  
100 incurred by him to obtain services in lieu of those he  
101 would have performed for income, reduced by any  
102 income from substitute work actually performed or to  
103 be performed by him, or by income he would have  
104 earned in available appropriate substitute work that he  
105 was capable of performing but unreasonably failed to  
106 undertake.

107

108 (h) "Replacement services loss" means expenses  
109 reasonably incurred or to be incurred in obtaining  
110 ordinary and necessary services in lieu of those the  
111 injured person would have performed, not for income  
112 but for the benefit of himself or his family, if he had  
113 not been injured.

114 (i) "Dependent's economic loss" means loss after a  
115 victim's death of contributions of things of economic  
116 value to his dependents, not including services they  
117 would have received from the victim if he had not  
118 suffered the fatal injury, less expenses of the dependents  
119 avoided by reason of the victim's death.

120 (j) "Dependent's replacement service loss" means loss  
121 reasonably incurred or to be incurred by dependents  
122 after a victim's death in obtaining ordinary and  
123 necessary services in lieu of those the victim would have  
124 performed for their benefit if he had not suffered the  
125 fatal injury, less expenses of the dependents avoided by  
126 reason of the victim's death and not subtracted in  
127 calculating dependent's economic loss.

128 (k) "Noneconomic detriment" means sorrow, mental

129 anguish, and solace which may include society, compan-  
130 ionship, comfort, guidance, kindly offices and advice.

131 (l) "Victim" means a person who suffers personal  
132 injury or death as a result of any one of the following:  
133 (1) Criminally injurious conduct; (2) the good faith effort  
134 of the person to prevent criminally injurious conduct; or  
135 (3) the good faith effort of the person to apprehend a  
136 person that the injured person has observed engaging  
137 in criminally injurious conduct, or who such injured  
138 person has reasonable cause to believe has engaged in  
139 such criminally injurious conduct immediately prior to  
140 the attempted apprehension.

141 (m) "Contributory misconduct" means any conduct of  
142 the claimant, or of the victim through whom the  
143 claimant claims an award, that is unlawful or intention-  
144 ally tortious and that, without regard to the conduct's  
145 proximity in time or space to the criminally injurious  
146 conduct has a casual relationship to the criminally  
147 injurious conduct that is the basis of the claim.

**§14-2A-9. Claim investigators; compensation and ex-  
penses; paralegals and support staff.**

1 The court of claims is hereby authorized to hire not  
2 more than two claim investigators to be employed  
3 within the office of the clerk of the court of claims, who  
4 shall carry out the functions and duties set forth in  
5 section twelve of this article. Claim investigators shall  
6 serve at the pleasure of the court of claims and under  
7 the administrative supervision of the clerk of the court  
8 of claims. The compensation of claim investigators shall  
9 be fixed by the court, and such compensation, together  
10 with travel, clerical and other expenses of the clerk of  
11 the court of claims relating to a claim investigator  
12 carrying out his duties under this article, including the  
13 cost of obtaining reports required by the investigator in  
14 investigating a claim, shall be payable from the crime  
15 victims compensation fund as appropriated for such  
16 purpose by the Legislature.

17 The court of claims is hereby authorized to hire as  
18 support staff such paralegal or paralegals and secretary  
19 or secretaries. to be employed within the office of the

20 clerk of the court of claims, necessary to carry out the  
21 functions and duties of this article. Such support staff  
22 shall serve at the will and pleasure of the court of claims  
23 and under the administrative supervision of the clerk of  
24 the court of claims.

**§14-2A-14. Grounds for denial of claim or reduction of  
award; maximum awards; awards for  
emotional distress; mental anguish, etc.**

1 (a) Except as provided in subsection (b), section ten  
2 of this article, the judge or commissioner shall not  
3 approve an award of compensation to a claimant who  
4 did not file his application for an award of compensation  
5 within two years after the date of the occurrence of the  
6 criminally injurious conduct that caused the injury or  
7 death for which he is seeking an award of compensation.

8 (b) An award of compensation shall not be approved  
9 if the criminally injurious conduct upon which the claim  
10 is based was not reported to a law-enforcement officer  
11 or agency within seventy-two hours after the occurrence  
12 of the conduct, unless it is determined that good cause  
13 existed for the failure to report the conduct within the  
14 seventy-two hour period.

15 (c) The judge or commissioner shall not approve an  
16 award of compensation to a claimant who is the offender  
17 or an accomplice of the offender who committed the  
18 criminally injurious conduct, nor to any claimant if the  
19 award would unjustly benefit the offender or his  
20 accomplice. Unless a determination is made that the  
21 interests of justice require that an award be approved  
22 in a particular case, an award of compensation shall not  
23 be made to the spouse of, or to a person living in the  
24 same household with, the offender or accomplice of the  
25 offender, or to the parent, child, brother or sister of the  
26 offender or his accomplice.

27 (d) A judge or commissioner, upon a finding that the  
28 claimant or victim has not fully cooperated with  
29 appropriate law enforcement agencies, or the claim  
30 investigator, may deny a claim, reduce an award of  
31 compensation, and may reconsider a claim already  
32 approved.

33 (e) An award of compensation shall not be approved  
34 if the injury occurred while the victim was confined in  
35 any state, county or city jail, prison or correctional  
36 facility.

37 (f) After reaching a decision to approve an award of  
38 compensation, but prior to announcing such approval,  
39 the judge or commissioner shall require the claimant to  
40 submit current information as to collateral sources on  
41 forms prescribed by the clerk of the court of claims. The  
42 judge or commissioner shall reduce an award of  
43 compensation or deny a claim for an award of compen-  
44 sation that is otherwise payable to a claimant to the  
45 extent that the economic loss upon which the claim is  
46 based is or will be recouped from other persons,  
47 including collateral sources, or if such reduction or  
48 denial is determined to be reasonable because of the  
49 contributory misconduct of the claimant or of a victim  
50 through whom he claims. If an award is reduced or a  
51 claim is denied because of the expected recoupment of  
52 all or part of the economic loss of the claimant from a  
53 collateral source, the amount of the award or the denial  
54 of the claim shall be conditioned upon the claimant's  
55 economic loss being recouped by the collateral source:  
56 *Provided*, That if it is thereafter determined that the  
57 claimant will not receive all or part of the expected  
58 recoupment, the claim shall be reopened and an award  
59 shall be approved in an amount equal to the amount of  
60 expected recoupment that it is determined the claimant  
61 will not receive from the collateral source, subject to the  
62 limitation set forth in subsection (g) of this section.

63 (g) Except in the case of death, compensation payable  
64 to a victim and to all other claimants sustaining  
65 economic loss because of injury to that victim shall not  
66 exceed thirty-five thousand dollars in the aggregate.  
67 Compensation payable to a victim of criminally injur-  
68 ious conduct which causes permanent injury may  
69 include, in addition to economic loss, an amount up to  
70 fifteen thousand dollars for emotional distress and pain  
71 and suffering which are proximately caused by such  
72 conduct. Compensation payable to all claimants because  
73 of the death of the victim shall not exceed fifty thousand

74 dollars in the aggregate, but may include, in addition  
75 to economic loss, compensation to the claimants specified  
76 in paragraph (2), subdivision (a), section three of this  
77 article, for sorrow, mental anguish and solace.

**§14-2A-19. Attorney and witness fees.**

1 (a) As part of an order, the court, or a judge or  
2 commissioner thereof, shall determine and award  
3 reasonable attorney's fees, commensurate with services  
4 rendered, and reimbursement for reasonable and  
5 necessary expenses actually incurred, to be paid from  
6 the crime victims compensation fund to the attorney  
7 representing a claimant in a proceeding under this  
8 article. Attorney's fees and reimbursement may be  
9 denied upon a finding that the claim or appeal is  
10 frivolous. Awards of attorney's fees and reimbursement  
11 shall be in addition to awards of compensation, and  
12 attorney's fees and reimbursement may be awarded  
13 whether or not an award of compensation is approved.  
14 An attorney shall not contract for or receive any larger  
15 sum than the amount allowed under this section. In no  
16 event may a prosecuting attorney or assistant prosecut-  
17 ing attorney represent any victim seeking compensation  
18 under this article.

19 (b) Each witness called by the court to appear in a  
20 hearing on a claim for an award of compensation shall  
21 receive compensation and expenses in an amount equal  
22 to that received by witnesses in civil cases as provided  
23 in section sixteen, article one, chapter fifty-nine of this  
24 code to be paid from the crime victims compensation  
25 fund.

**§14-2A-20. Procedure for certification and payment of claims.**

1 (a) The clerk shall certify to the department of  
2 finance and administration, on or before the twentieth  
3 day of November of each year, a list of all claims  
4 pursuant to this article for which the court has made  
5 a final determination and approved an award since the  
6 last such certificate.

7 (b) The governor shall include in his proposed budget

8 bill and revenue estimates:

9 (1) An estimate of the balance and receipts anticipated  
10 in the crime victims compensation fund,

11 (2) An itemized report of the approved awards  
12 recommended by the court to the Legislature,

13 (3) Such recommendations to the Legislature for  
14 appropriations from the crime victims compensation  
15 fund as he may deem appropriate for the payment of  
16 fees, costs and expenses incurred, due or payable at any  
17 time from such fund, and

18 (4) Such recommendations to the Legislature for  
19 appropriations for the payment of claims arising under  
20 this article, whether accrued and determined by the  
21 court and included in the itemization of awards  
22 mentioned in this section or arising during the ensuing  
23 fiscal year.

24 (c) The Legislature shall, by general law, provide for  
25 the authorization to pay the itemized awards arising  
26 under this article or so much thereof as may be deemed  
27 appropriate or for awards arising during the ensuing  
28 fiscal year and provide by appropriation from the crime  
29 victims compensation fund for the payment of such  
30 awards authorized and for the payment of fees, costs and  
31 expenses as from time to time may be appropriate. The  
32 clerk shall certify each authorized award and the  
33 amount thereof and make requisition upon the crime  
34 victims compensation fund relating thereto to the  
35 auditor. The auditor shall issue his warrant to the  
36 treasurer without further examination or review of the  
37 claim except for the question of a sufficient unexpended  
38 balance in the appropriation: *Provided*, That the state  
39 treasurer shall establish within his office a special  
40 economic loss claim payment fund, with funds which are  
41 transferred from the crime victims compensation fund  
42 by an annual line item appropriation from the  
43 Legislature.

44 In any case where the court has made a final award  
45 which includes a sum for economic loss, the court shall  
46 as part of its award order that the state auditor pay that

47 portion of the award which is for economic loss  
48 forthwith from the economic loss claim fund, notwith-  
49 standing the fact that the Legislature has not yet  
50 considered or authorized said award. Said award and  
51 order may provide that payment be made to a claimant  
52 or to a third party for economic losses of the claimant  
53 and said award and order may provide for the payment  
54 for actual economic losses which are prospective as well  
55 as those which have already been incurred.

56 The clerk of the court shall certify the economic loss  
57 award and payment order to the auditor who shall  
58 proceed as set forth herein and issue his warrant to the  
59 treasurer for payment of the economic loss award,  
60 subject to the availability of funds in the economic loss  
61 claim payment fund.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 11A. VICTIM PROTECTION ACT OF 1984.**

#### **§61-11A-2a. Notification of crime victims compensation fund.**

1 Whenever the prosecuting attorney's office presents a  
2 case to a grand jury or proceeds in the circuit court on  
3 an information, the prosecutor or assistant prosecutor  
4 shall within thirty days following said presentment or  
5 information notify in writing each victim of the alleged  
6 offense of the existence and basic provisions of article  
7 two-a, chapter fourteen of this code. Nothing in this  
8 section shall be construed as precluding the prosecuting  
9 attorney's office from other notification to victims of  
10 crime, or as creating a cause of action for damages  
11 against any prosecuting attorney or their staff, or  
12 against the state of West Virginia or any of its political  
13 subdivisions.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Bruce O. Williams*  
-----  
Chairman Senate Committee

*Lyle Satter*  
-----  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Todd C. Willis*  
-----  
Clerk of the Senate

*Donald L. Hoop*  
-----  
Clerk of the House of Delegates

*Ron Tomblin*  
-----  
President of the Senate

*Robert C. Clark*  
-----  
Speaker of the House of Delegates

The within *approved* this the *1<sup>st</sup>*  
*April* day of \_\_\_\_\_, 1987.

*Arthur Shaffer, Jr.*  
-----  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/26/87  
Time 2:34 p.m.

RECEIVED

197 APR - 2 11:11:35

OFFICE OF THE  
SECRETARY OF DEFENSE