

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Lamar Barnes, relating to claims; compensation for wrongful incarceration.*

3 [H 1255]

4 Approved

5 Whereas, Lamar Barnes (Mr. Barnes) was convicted in the Circuit Court of the City of Portsmouth
6 on August 1, 2003, of first degree murder, malicious wounding, and two counts of use of a firearm in
7 the commission of a felony, crimes that he did not commit; and

8 Whereas, Mr. Barnes was sentenced to life in prison plus 28 years; and

9 Whereas, Mr. Barnes served almost 20 years in the custody of the Virginia Department of
10 Corrections; and11 Whereas, Mr. Barnes, through the Innocence Project at the University of Virginia School of Law,
12 submitted a petition for clemency seeking an absolute pardon based on the circumstances surrounding
13 his innocence; and14 Whereas, on January 4, 2022, Governor Ralph Northam granted Mr. Barnes an absolute pardon,
15 noting that the pardon "reflects Lamar Barnes's innocence"; and16 Whereas, Mr. Barnes was convicted largely based on his identification by three eyewitnesses at trial,
17 all of whom have subsequently recanted their testimony and stated that they identified Mr. Barnes as a
18 result of pressure from law enforcement and prosecutors; and19 Whereas, Mr. Barnes's conviction was also the result of numerous constitutional violations, including
20 due process violations, the suppression of exculpatory evidence, and the presentation of false evidence;
21 and22 Whereas, Mr. Barnes had a corroborated alibi for the time of the crime, which was not presented at
23 trial; and24 Whereas, multiple witnesses have identified an alternate suspect as the person who committed the
25 crimes for which Mr. Barnes was convicted; and

26 Whereas, there was no physical evidence linking Mr. Barnes to the crime; and

27 Whereas, the Conviction Integrity Unit of the Office of the Attorney General conducted its own,
28 independent investigation into Mr. Barnes's case and agreed that he is innocent of the crimes for which
29 he was convicted; and30 Whereas, during the course of Mr. Barnes's wrongful incarceration, he missed close to two decades
31 in the lives of his children, who were infants at the time of his conviction; and32 Whereas, Mr. Barnes, as a result of his wrongful incarceration, lost almost 20 years of his freedom
33 and countless life experiences and opportunities, including family relations, the opportunity to further his
34 education, and the opportunity to earn potential income from gainful employment during his years of
35 incarceration; and36 Whereas, Mr. Barnes has no other means to obtain adequate relief except by action of this body;
37 now, therefore,38 **Be it enacted by the General Assembly of Virginia:**39 **1. § 1.** *That there is hereby appropriated from the general fund of the state treasury the sum of*
40 *\$1,076,115 for the relief of Lamar Barnes, to be paid by check issued by the State Treasurer on warrant*
41 *of the Comptroller upon execution of a release of all claims Mr. Barnes may have against the*
42 *Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection*
43 *with the aforesaid occurrence.*44 *The compensation, subject to the execution of the release described herein, shall be paid in (i) an*
45 *initial lump sum of \$269,029 by check issued by the State Treasurer on warrant of the Comptroller*
46 *within 60 days immediately following the execution of such release and (ii) the sum of \$807,086 to*
47 *purchase an annuity no later than one year after the effective date of the appropriation for*
48 *compensation, for the primary benefit of Mr. Barnes, the terms of such annuity structured in Mr.*
49 *Barnes's best interests based on consultation among Mr. Barnes or his representatives, the State*
50 *Treasurer, and other necessary parties.*51 *The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated*
52 *company authorized to sell annuities in the Commonwealth, including any A+ rated company from*
53 *which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not*
54 *be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however,*
55 *contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr.*
56 *Barnes's death.*

57 § 2. That Mr. Barnes shall be entitled to receive reimbursement up to \$10,000 for tuition for career
58 and technical training within the Virginia Community College System contingent upon successful
59 completion of the training. Reimbursement for tuition shall be provided by the comprehensive community
60 college at which the career or technical training was completed. The tuition benefit provided by this
61 section shall expire on January 1, 2026.

62 § 3. That any amount already paid to Mr. Barnes as a transition assistance grant pursuant to
63 subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received
64 pursuant to § 1 of this act.

65 **2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation**
66 **awarded under this act.**