

2006 SESSION

INTRODUCED

062428712

SENATE BILL NO. 68

Offered January 11, 2006

Prefiled January 5, 2006

A BILL to amend and reenact § 8.01-38.1 of the Code of Virginia, relating to the distribution of punitive damages to the Literary Fund.

Patrons—Chichester; Delegate: Howell, W.J.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-38.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-38.1. Limitation on recovery of punitive damages.

In any action accruing on or after July 1, 1988, including an action for medical malpractice under Chapter 21.1 (§ 8.01-581.1 et seq.), the total amount awarded for punitive damages against all defendants found to be liable shall be determined by the trier of fact. In no event shall the total amount awarded for punitive damages exceed \$350,000. The jury shall not be advised of the limitation prescribed by this section. However, if a jury returns a verdict for punitive damages in excess of the maximum amount specified in this section, the judge shall reduce the award and enter judgment for such damages in the maximum amount provided by this section.

All punitive damages awarded under this section shall be deposited into the Literary Fund established under Article VIII, Section 8 of the Virginia Constitution. No attorney shall be entitled to fees and costs from any punitive damages that may be awarded.

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