

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 688

An Act to amend and reenact § 8.01-226.8 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 33.1-12.2, relating to community service programs; establishment and civil immunity.

[S 153]

Approved March 27, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-226.8 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 33.1-12.2 as follows:

§ 8.01-226.8. Civil immunity for public officials and private volunteers participating in certain programs for probationers.

Probation officers; court personnel; county, city and town personnel; any other public officials; and private volunteers who participate in a program where persons on probation or community service are ordered as a condition of probation or community service to pick up litter along a section of public roadway or waterway ~~or~~, to perform recycling duties at landfills, garbage transfer sites, and other waste disposal systems, *to mow rights-of-way or to perform other landscaping maintenance tasks* shall not be liable for any civil damages to a probationer or person on community service, or the property of such person, for acts or omissions resulting from such participation, unless such act or omission is the result of willful misconduct. The provisions of this section shall not be interpreted to grant any immunity to a driver transporting the persons on probation or community service or a motorist who, by his negligence, may injure such probationer or person on community service.

§ 33.1-12.2. *Commissioner to establish community service landscaping program.*

The Commissioner shall establish a program whereby persons convicted of nonviolent misdemeanors who have received a suspended sentence or probation can fulfill their community service requirements by mowing rights-of-way and performing other landscaping maintenance tasks for roads and highways that the Department has the responsibility to maintain.