

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [S 153]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

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

10 § 8.01-226.8. Civil immunity for public officials and private volunteers participating in certain  
11 programs for probationers.

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

22 § 33.1-12.2. *Commissioner to establish community service landscaping program.*

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

ENROLLED

SB153ER