

2009 SESSION

INTRODUCED

095583284

SENATE BILL NO. 1393

Offered January 14, 2009

Prefiled January 14, 2009

A BILL to amend and reenact § 24.2-238 of the Code of Virginia, relating to removal of public officials; costs.

Patron—Norment

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-238 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-238. Costs.

A. If a judicial proceeding under this article is dismissed in favor of the respondent, the court in its discretion may require the state agency or political subdivision which the respondent serves to pay court costs or reasonable attorney fees, or both, for the respondent.

B. No person who signs a petition for the removal of an official pursuant to § 24.2-233 or who circulates such a petition (i) shall be liable for any costs associated with removal proceedings conducted pursuant to the petition, including attorney fees incurred by any other party or court costs, or (ii) shall have sanctions imposed against him pursuant to § 8.01-271.1. However, the court may assess such costs or impose such sanctions upon its finding by clear and convincing evidence that the petitioner acted with a malicious intent to harm the official.

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