

# 2015 SESSION

## HOUSE SUBSTITUTE

15104020D

### HOUSE BILL NO. 1308

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on January 28, 2015)

(Patron Prior to Substitute—Delegate Marshall, R.G.)

*A BILL to amend and reenact § 19.2-69 of the Code of Virginia, relating to privacy in communications; confidential relationship; civil action.*

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

**1. That § 19.2-69 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-69. Civil action for unlawful interception, disclosure or use.**

Any person whose wire, electronic or oral communication is intercepted, disclosed or used in violation of this chapter shall (i) have a civil cause of action against any person who intercepts, discloses or uses, or procures any other person to intercept, disclose or use such communications, and (ii) be entitled to recover from any such person:

1. Actual damages but not less than liquidated damages computed at the rate of \$400 a day for each day of violation or \$4,000, whichever is higher, *provided that liquidated damages shall be computed at the rate of \$800 a day for each day of violation or \$8,000, whichever is higher, if the wire, electronic, or oral communication intercepted, disclosed, or used is between (i) a husband and wife; (ii) an attorney and client; (iii) a licensed practitioner of the healing arts and patient; (iv) a licensed professional counselor, licensed clinical social worker, licensed psychologist, or licensed marriage and family therapist and client; or (v) a clergy member and person seeking spiritual counsel or advice;*

2. Punitive damages; and

3. A reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law.

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