

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: HB1308

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Marshall, R.G.

3. Committee: Passed Both House

4. Title: Electronic communications; right to privacy, confidential relationship, penalty.

5. Summary: Provides that any person whose wire, electronic, or oral communication is intercepted, disclosed, or used in violation of the *Code of Virginia* is entitled to recover civil liquidated damages at a rate of \$800 a day for each day of violation or \$8,000, whichever is higher, if the wire, electronic, or oral communication 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. Under current law, liquidated damages are computed at a rate of \$400 a day for each day of violation, or \$4,000, whichever is higher. This provision remains for all other communications not outlined above.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final; No state fiscal impact.

8. Fiscal Implications: This bill modifies the amount of damages a claimant may seek in a civil lawsuit. There is no material fiscal impact to the Commonwealth.

9. Specific Agency or Political Subdivisions Affected: N/A

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: February 20, 2015

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