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SENATE BILL NO. 791

Offered January 10, 2018

A BILL to amend the Code of Virginia by adding a section numbered 8.01-226.10:1, relating to immunity of employers and potential employers; reports of violent behavior.

Patron—Edwards

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-226.10:1 as follows:
§ 8.01-226.10:1. Immunity of employers and potential employers; reports of violent behavior.

A. For purposes of this section:

"Employee" means any person, paid or unpaid, in the service of an employer.

"Employer" means any person, firm, or corporation, including the Commonwealth and its political subdivisions, and their agents, who has one or more employees or individuals performing services under any contract of hire or service, express or implied, oral or written.

"Potential employer" means any employer who is considering a person for employment.

"Violent or threatened violent behavior" means any conduct that would place a person in reasonable apprehension of death or bodily injury.

B. Any employer who, in good faith with reasonable cause, makes or causes to be made a voluntary report about violent or threatened violent behavior, by an employee or former employee to a potential employer of such employee, or to any law-enforcement officer or agency, shall be immune from civil liability for making such report, provided that the employer is not acting in bad faith. An employer shall be presumed to be acting in good faith. The presumption of good faith shall be rebutted if it is shown by clear and convincing evidence that the employer knew such report was false, or made such report with reckless disregard for whether such report was false or not.

C. Any potential employer who receives a report from an employer pursuant to subsection B of an employee or potential employee and takes reasonable action in good faith to respond to the violent or threatened violent behavior noted in such report shall be immune from civil liability for such action.

D. Any employer or potential employer who has a suit dismissed against him pursuant to the immunity provided by this section shall be awarded reasonable attorney fees and costs.

INTRODUCED

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