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**SENATE BILL NO. 895**

Offered January 19, 2018

*A BILL to amend and reenact § 8.01-38.1 of the Code of Virginia, relating to punitive damages cap.*

Patron—Petersen

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 8.01-38.1 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-38.1. Recovery of punitive damages.**

A. In any action accruing on or after July 1, 1988, *but before July 1, 2018*, including an action for medical malpractice under Chapter 21.1 (§ 8.01-581.1 et seq.), the total amount awarded for punitive damages against all defendants found to be liable shall be determined by the trier of fact. ~~In no event~~ and shall the total amount awarded for punitive damages not exceed \$350,000.

B. *In any action accruing on or after July 1, 2018, including an action for medical malpractice under Chapter 21.1 (§ 8.01-581.1 et seq.), the total amount awarded for punitive damages against all defendants found to be liable shall be determined by the trier of fact and shall not exceed \$600,000.*

C. The jury shall not be advised of the limitation prescribed by this section. However, if a jury returns a verdict for punitive damages in excess of the maximum amount specified in this section, the judge shall reduce the award and enter judgment for such damages in the maximum amount provided by this section.

INTRODUCED

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