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SENATE BILL NO. 1084

Offered January 9, 2019

Prefiled December 17, 2018

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.8, relating to civil liability for negligent gun storage.

Patrons—Marsden, Ebbin and McPike; Delegate: Kory

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 in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.8 as follows:

§ 8.01-44.8. Action for injury resulting from negligent storage of firearms.

A. A person may be held civilly liable for injury to the person or property of another or for wrongful death resulting from the use of a firearm in the commission of a crime if it can be shown by clear and convincing evidence that the firearm came into the possession of the person who committed the crime resulting in the injury to the person or property of another or wrongful death because of the failure of the civil defendant to reasonably secure the firearm from theft or unauthorized possession.

B. Nothing in this section shall be construed to impose liability on a civil defendant exercising the ordinary standard of care for securing firearms.

INTRODUCED

SB1084