18104382D

SENATE BILL NO. 800

Offered January 10, 2018

A BILL to amend the Code of Virginia by adding a section numbered 8.01-40.5, relating to civil action for trespass; vicarious liability.

Patron—Reeves

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 8.01-40.5 as follows:

§ 8.01-40.5. Civil action for damage to property resulting from criminal trespass.

A. Any person who is arrested for or convicted of a criminal trespass in violation of Article 2 (§ 18.2-89 et seq.), 5 (§ 18.2-119 et seq.), or 6 (§ 18.2-137 et seq.) of Chapter 5 of Title 18.2 shall be liable for any damage to personal or real property caused during the commission of such trespass.

B. Any person who compensates another person for a trespass as described in subsection A may be held vicariously liable for any damage to personal or real property caused during the commission of such trespass.

C. This section shall not be construed to affect or limit any person's right to initiate a cause of action for trespass or damage to property under any other applicable provision of law.

INTRODUCED