

20105284D

SENATE BILL NO. 1009

Offered January 16, 2020

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 and by adding in Article 18.1 of Chapter 3 of Title 8.01 a section number 8.01-195.9:1, relating to firearm-free zones; the Commonwealth and localities; regulation of weapons; waiver of sovereign immunity.

Patron—Chase

Referred to Committee on the Judiciary

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 and by adding in Article 18.1 of Chapter 3 of Title 8.01 a section number 8.01-195.9:1 as follows:

§ 8.01-44.8. Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity.

Notwithstanding any other provision of law, if (i) the Commonwealth adopts any rule, regulation, or policy, or passes any law, designating any property, or any part of such property, owned or occupied by it as a firearm-free zone or (ii) any locality adopts any ordinance, resolution, or motion designating such locality, or any part of such locality, as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone.

§ 8.01-195.9:1. Commonwealth or locality liable for damages for failure to protect.

A. Notwithstanding any other provision of this article, a department, agency, authority, board, commission, or council of the Commonwealth, or a locality that adopts any ordinance, rule, policy, or regulation as defined by § 2.2-4001, regulating weapons on the premises of any property or facility that is open to the public shall assume an affirmative duty to protect all invitees while lawfully on the premises of such property or facility.

Any such action taken to regulate such weapons shall constitute an express waiver of sovereign immunity for any governmental entity or official responsible for such action. Any action taken regulating such weapons creates an inherent danger for invitees that is reasonably foreseeable, and an invitee that is harmed as a proximate cause of a failure to protect has a cause of action against any such governmental entity or official responsible for such failure.

B. Notwithstanding any other provision of this article, the amount of actual or punitive damages recoverable by a claimant shall not be subject to any limit of liability.

INTRODUCED

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