

# 2021 SESSION

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## SENATE BILL NO. 1440

Offered January 18, 2021

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-42.6, relating to civil action for unlawful acts of force or failure to intervene by a law-enforcement officer or correctional officer.*

Patron—Surovell

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 a section numbered 8.01-42.6 as follows:**

**§ 8.01-42.6. Civil action for unlawful acts of force or failure to intervene by a law-enforcement officer or correctional officer.**

A. As used in this section:

"Correctional officer" means the same as that term is defined in § 53.1-1.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

"Primary employer" means a public entity or private police department as defined in § 9.1-101.

B. Any law-enforcement officer or correctional officer who violates a provision of Chapter 7.1 (§ 19.2-83.3 et seq.) of Title 19.2 during the performance of his duties for his primary employer shall be liable to any injured person for any injuries sustained as a result of such violation.

C. Any primary employer that employs or contracts for the services of a law-enforcement officer or correctional officer, whether such employment or agency is with or without pay, shall be liable to a person who sustains any injuries as a result of such officer's violation of any provision of Chapter 7.1 (§ 19.2-83.3 et seq.) of Title 19.2 when such violation occurred within the ordinary course of the employer's business.

D. Any person injured in violation of Chapter 7.1 (§ 19.2-83.3 et seq.) of Title 19.2 is entitled to recover compensatory damages and reasonable attorney fees and costs. If compensatory damages are awarded, an injured person may also be awarded punitive damages.

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