

1995 SESSION

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HOUSE BILL NO. 873

Offered January 25, 1994

A *BILL to amend and reenact § 8.01-226 of the Code of Virginia, relating to the duty of care to law-enforcement officers and firefighters.*

Patrons—Davies and Almand

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-226 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-226. Duty of care to law-enforcement officers and firefighters.

An owner or occupant of real property containing premises normally open to the public shall, with respect to such premises, owe to firefighters and law-enforcement officers who in the performance of their duties come upon that portion of the premises normally open to the public the duty to maintain the same in a reasonably safe condition or to warn of dangers thereon of which he knows or has reason to know, whether or not such premises are at the time open to the public.

An owner or occupant of real property containing premises not normally open to the public shall, with respect to such premises, owe the same duty to firefighters and law-enforcement officers who he knows or has reason to know are upon, about to come upon or imminently likely to come upon that portion of the premises not normally open to the public.

While otherwise engaged in the performance of his duties, a law-enforcement officer or firefighter shall be owed a duty of ordinary care, both with respect to (i) an owner or occupant of real property and (ii) any third party. If such law-enforcement officer or firefighter suffers any injury or death while otherwise lawfully engaged in the performance of his duties, he or his personal representative may seek civil damages from the person whose negligent act or omission resulted in such injury or death.

For purposes of this section, the term "law-enforcement officers" shall mean only police officers, sheriffs and deputy sheriffs and the term "firefighter" includes emergency medical personnel.

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HB873