

966207350

HOUSE BILL NO. 1281

Offered January 22, 1996

A *BILL to amend the Code of Virginia by adding a section numbered 24.2-1016.1, relating to false campaign statements, advertising and written materials; penalties.*

Patrons—McDonnell, Albo, Callahan, Kilgore, Marshall, Mims, Nixon, Sherwood, Tata, Wardrup, Way, Weatherholtz and Wilkins

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 24.2-1016.1 as follows:**

§ 24.2-1016.1. False campaign statements; civil penalties.

A. It shall be a violation of this section for any person to make or cause to be made with actual malice any campaign statement, advertising or writing which that person knows, or has reason to believe, is materially false and is designed to elect or defeat a candidate for nomination or election to public office.

B. The following definitions shall apply for the purposes of this section:

"Actual malice" means to act with knowledge of falsity or with reckless disregard as to the truth or falsity.

"Person" shall have the meaning defined in § 24.2-901.

"Writing" has the meaning defined in § 24.2-1014.

C. Any person who violates or participates in the violation of this section shall be subject to a civil penalty not to exceed \$2,500. The attorney for the Commonwealth of the county or city in which the violation is alleged to have occurred or the Attorney General may initiate a civil proceeding to enforce the civil penalty provided herein. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund. A proceeding for a violation of this section shall be commenced within one year of the alleged violation. In the case of a proceeding which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the proceeding to pay all costs of trial and reasonable attorney's fees incurred by the defendant.

INTRODUCED

HB1281