

1996 SESSION

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SENATE BILL NO. 399

Senate Amendments in [] — February 13, 1996

A *BILL* to amend of the Code of Virginia, by adding a section numbered 8.01-46.1, relating to defamation; immunity; exception.

Patrons—Reasor, Goode, Howell, Norment, Quayle, Saslaw, Stolle and Trumbo; Delegates: Albo and Howell

Referred to the 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 8.01-46.1 as follows:

§ 8.01-46.1. Employer references; immunity.

Any employer of another, or any employee, agent or other representative of such employer, who, in good faith, provides information about the job performance, professional conduct or evaluation of a former or current employee to a prospective employer of that employee, at the request of the prospective employer [~~of or~~] that employee, shall be immune from civil liability arising out of the disclosure unless it is shown by clear and convincing evidence that the employer disclosed the information with reckless disregard for its veracity, knowing that it was false or with intent to mislead.

In a civil action brought against an employer for words written or spoken relating to the job performance [~~or conduct~~ , professional conduct or evaluation] of a current or former employee, attorneys' fees may be awarded to [~~any employer who prevails~~ the prevailing party.]

2. That the provisions of this act shall apply to any cause of action accruing on or after July 1, 1996.

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