

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-59 of the Code of Virginia, relating to warrantless searches.*

3 [H 2096]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 19.2-59 of the Code of Virginia is amended and reenacted as follows:**

7 § 19.2-59. Search without warrant prohibited; when search without warrant lawful.

8 No officer of the law or any other person shall search any place, thing or person, except by virtue of
9 and under a warrant issued by a proper officer. Any officer or other person searching any place, thing or
10 person otherwise than by virtue of and under a search warrant, shall be guilty of malfeasance in office.
11 Any officer or person violating the provisions of this section shall be liable to any person aggrieved
12 thereby in both compensatory and punitive damages. Any officer found guilty of a second offense under
13 this section shall, upon conviction thereof, immediately forfeit his office, and such finding shall be
14 deemed to create a vacancy in such office to be filled according to law.

15 Provided, however, that any officer empowered to enforce the game laws *or marine fisheries laws as*
16 *set forth in Title 28.2* may without a search warrant enter for the purpose of enforcing such laws, any
17 freight yard or room, passenger depot, baggage room or warehouse, storage room or warehouse, train,
18 baggage car, passenger car, express car, Pullman car or freight car of any common carrier, or any boat,
19 automobile or other vehicle; but nothing in this proviso contained shall be construed to permit a search
20 of any occupied berth or compartment on any passenger car or boat or any baggage, bag, trunk, box or
21 other closed container without a search warrant.

ENROLLED

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