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## SENATE BILL NO. 639

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 14, 1997)

(Patron Prior to Substitute—Senator Waddell)

A BILL to amend and reenact §§ 30-4, 30-6 and 30-7 of the Code of Virginia, relating to legislative immunity from arrest.

**Be it enacted by the General Assembly of Virginia:****1. That §§ 30-4, 30-6 and 30-7 of the Code of Virginia are amended and reenacted as follows:**

§ 30-4. Civil proceedings for or against members or assistants, clerks or sworn deputies or the Lieutenant Governor during session.

Any action, suit or other civil proceeding, either in favor of or against a member of the General Assembly, ~~or the clerks thereof~~, or their assistants, ~~the clerk of the Senate or House or their sworn deputies, the sergeant-at-arms of the Senate or House, or the Lieutenant Governor~~, may be commenced, but shall not, unless by their consent, be prosecuted to final judgment or decree during the session of the General Assembly. ~~But their persons shall not be taken into custody or imprisoned under any civil process~~ In addition, no such person shall be compelled in any civil proceeding to appear or to answer or respond, in person or in writing, nor shall any such person be taken into custody or imprisoned during the session of the General Assembly, or during the fifteen days next before the beginning or after the ending of any session.

§ 30-6. Privilege of members, clerks, assistants and Lieutenant Governor from arrest.

During the session of the General Assembly, and for five days before and after the session, a members of the General Assembly, ~~the clerks thereof~~ and their assistants, ~~the clerks of the Senate and House and their sworn deputies and the sergeants-at-arms of the Senate and House~~ shall be privileged from being taken into custody or imprisoned under any process except as provided in § 30-7; nor shall such persons for such periods of time be subject to process as a witness in any case, civil or criminal. The provisions of this section shall be applicable to the Lieutenant Governor during his attendance at sessions of the General Assembly and while going to and from such sessions.

§ 30-7. Members, clerks, assistants, etc., subject to arrest for criminal offenses.

~~No~~ Any member of the General Assembly and ~~no clerk thereof or his assistants nor the Lieutenant Governor shall be privileged from arrest or imprisonment for treason, felony or breach of the peace or his assistant, the clerk of the Senate or the House or his sworn deputy, the sergeant-at-arms of the Senate or the House, or Lieutenant Governor who is alleged to have committed a criminal offense as defined in § 18.2-8, shall be subject at any time to be charged, arrested, prosecuted and imprisoned for such offense.~~

**2. That the provisions of this act are declarative of existing law.**