

1998 SESSION

INTRODUCED

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HOUSE BILL NO. 988

Offered January 26, 1998

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 14.1 a section numbered 14.1-201.1, relating to attorneys' fees for certain prevailing parties.

Patrons—McEachin, Byron, Davis, Joannou, Johnson, Jones, J.C., Katzen, Landes, McDonnell, Morgan, Ruff and Spruill; Senators: Bolling, Hanger, Newman and Williams

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3 of Title 14.1 a section numbered 14.1-201.1 as follows:

§ 14.1-201.1. Attorney's fees for civil rights violations.

If a court finds that the Commonwealth, or any of its political subdivisions, has adopted a rule or policy or has taken any action under color of law which deprives any person of life, liberty or property without due process of law, or which denies any person within its jurisdiction the equal protection of the law, including any action which (i) discriminates against any person on the basis of their race, religion, or gender, or (ii) violates the fundamental right and duty of a parent to direct the upbringing and education of the parent's child, then the court shall allow the prevailing party, other than the Commonwealth, reasonable attorneys' fees as part of the costs.

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