

# 2006 SESSION

INTRODUCED

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## SENATE BILL NO. 509

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.7, relating to special damages for intentional injury to real property.

Patron—Puckett

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 Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.7 as follows:

§ 8.01-44.7. Special damages for intentional injury to real property.

The owner of real property damaged by another may, in any action or suit to enjoin conduct or recover damages sustained, recover additional damages including, but not limited to, the costs of repair and replacement of the damaged property, costs and expenses of expert witnesses reasonably necessary to prosecute the action, and reasonable attorney fees from any person who willfully, intentionally, or with careless disregard for the rights of said property owner damages, mutilates, defaces, or injures any interest in real property. Such injury may include, but is not limited to, removal of any fence, railing, monument, or other structure used by said owner for the designation of property boundaries or injury, damage, or disruption of the lawful and peaceful possession of any real property, right-of-way, road, easement, or other interest in real property. The term "careless disregard", as used herein, shall require more than mere negligent conduct.

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