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**HOUSE BILL NO. 1454****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice  
on February 5, 2018)

(Patron Prior to Substitute—Delegate Campbell)

*A BILL to amend and reenact § 8.01-226.8 of the Code of Virginia, relating to civil immunity; programs for probationers; nonprofit corporation officials; worksite supervisors.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-226.8 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-226.8. Civil immunity for public and nonprofit corporation officials and private volunteers participating in certain programs for probationers.**

Probation officers; court personnel; *state*, county, city, and town personnel; any other public officials; and private volunteers who participate in a program where persons on probation or community service are ordered as a condition of probation or community service to pick up litter along a section of public roadway or waterway, to perform recycling duties at landfills, garbage transfer sites, and other waste disposal systems, to mow rights-of-way or to perform other landscaping maintenance tasks, *or to perform services assigned by such probation officers, court personnel, state, county, city, or town personnel, or private volunteers acting as approved worksite supervisors of a court-approved voluntary jail diversion program* shall not be liable for any civil damages to a probationer or person on community service, or the property of such person, for acts or omissions resulting from such participation, unless such act or omission is the result of willful misconduct. The provisions of this section shall not be interpreted to grant any immunity to a driver transporting the persons on probation or community service or a motorist who, by his negligence, may injure such probationer or person on community service.

*Nonprofit corporation employees or officials who participate in a program where persons on probation or community service are ordered as a condition of probation or community service to pick up litter along a section of public roadway or waterway, to perform recycling duties at landfills, garbage transfer sites, and other waste disposal systems, to mow rights-of-way or to perform other landscaping maintenance tasks, or to perform services assigned by such nonprofit corporation employees or officials acting as approved worksite supervisors of a court-approved voluntary jail diversion program shall not be liable for any civil damages to a probationer or person on community service, or the property of such person, for acts or omissions resulting from such participation, unless such act or omission is the result of gross negligence or willful misconduct.*