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HOUSE BILL NO. 2263

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend and reenact §§ 9.1-302 and 9.1-304 of the Code of Virginia, relating to Firefighters and Emergency Medical Technicians Procedural Guarantee Act; breach of procedures.

Patrons—Krizek, Hugo, Hope, Lopez, McQuinn, Sullivan, Tyler and Ward

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-302 and 9.1-304 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-302. Breach of procedures.

A. Any breach of the procedures required by this chapter shall not exclude any evidence from being presented in any case against a firefighter or individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 and shall not cause any charge to be dismissed unless the firefighter or emergency medical services personnel demonstrates that the breach prejudiced his case.

B. Any breach of the procedures required by this chapter shall create a cause of action against the employing agency in favor of the firefighter or emergency medical services personnel that was subjected to interrogation.

§ 9.1-304. Rights nonexclusive.

The rights of firefighters and emergency medical technicians as set forth in this chapter shall not be construed to diminish the rights and privileges of firefighters or emergency medical technicians that are guaranteed to all citizens by the Constitution and laws of the United States and the Commonwealth or limit the granting of broader rights by other law, ordinance, or rule.

This section shall not abridge ~~or expand~~ the rights of firefighters or emergency medical technicians to bring civil suits for injuries suffered in the course of their employment as recognized by the courts; ~~nor is it designed to abrogate any common law or statutory limitation on the rights of recovery.~~

INTRODUCED

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