

2020 SESSION

INTRODUCED

20101772D

HOUSE BILL NO. 127

Offered January 8, 2020

Prefiled December 16, 2019

A BILL to amend the Code of Virginia by adding a section numbered 8.01-42.6, relating to bystander claims for intentional or negligent infliction of injury or death; emotional distress.

Patron—Miyares

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 a section numbered 8.01-42.6 as follows:

§ 8.01-42.6. Bystander claims for intentional or negligent infliction of injury or death; emotional distress.

A bystander who witnesses, live and in-person, an event during which the intentional or negligent infliction of injury to or death of a victim occurs may recover damages for resulting emotional distress, proven by a preponderance of the evidence, with or without physical impact or physical injury to the bystander, if:

1. The bystander is related to such victim by blood, marriage, or adoption; or

2. Although not related to such victim by blood, marriage, or adoption, the bystander is in close proximity to such victim at the time such event occurs and is aware that such event is causing injury to or the death of such victim.

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