

2020 SPECIAL SESSION I

INTRODUCED

20200158D

SENATE BILL NO. 5065

Offered August 18, 2020

Prefiled August 17, 2020

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-42.6, relating to civil action for deprivation of rights by a law-enforcement officer.*

Patrons—Morrissey; Delegate: Kory

Referred to Committee on the Judiciary

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. Civil action for deprivation of rights.

A. Any law-enforcement officer, as defined in § 9.1-101, who, under color of law, subjects or causes to be subjected, including failing to intervene, any other person to the deprivation of any rights, privileges, or immunities granted to such person under the constitutions and laws of the United States and the Commonwealth, shall be liable to the injured party for compensatory damages, punitive damages, and equitable relief. If the plaintiff prevails in such an action, in addition to any monetary or injunctive relief, the court may award reasonable attorney fees and costs. If the defendant prevails in such an action, the court may award reasonable attorney fees and costs if the court finds the claims to have been frivolous.

B. Sovereign immunity and any other statutory immunities or limitations on liability or damages shall not apply to claims brought pursuant to this section. Qualified immunity is not a defense to liability imposed by this section.

C. No action shall be commenced under this section more than two years after the most recent conduct prohibited by this section.

D. Nothing in this section shall prevent an aggrieved individual from pursuing any other cause of action available to him for the conduct giving rise to a cause of action under this section.

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