

2021 SPECIAL SESSION I

HOUSE SUBSTITUTE

21103581D

HOUSE BILL NO. 2073

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 27, 2021)

(Patron Prior to Substitute—Delegate Convors-Fowler)

A BILL to amend and reenact § 8.01-244 of the Code of Virginia, relating to wrongful death statute of limitations; criminal investigations by law enforcement; emergency.

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-244 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-244. Actions for wrongful death; limitation.

A. Notwithstanding the provisions of *subsection B of § 8.01-229 B*, if a person entitled to bring an action for personal injury dies as a result of such injury with no such action pending before the expiration of the limitations period set forth in § 8.01-243, then an action under § 8.01-50 may be commenced within the time limits specified in subsection B ~~of this section~~.

B. Every action under § 8.01-50 shall be brought by the personal representative of the decedent within two years after the death of the injured person *or, if applicable, within two years of the conclusion of a criminal investigation by law enforcement of such death, whichever is longer. For the purposes of this section, a criminal investigation shall be considered concluded when a law-enforcement agency in charge of such investigation no longer continues to gather evidence for a possible future criminal case.* If any such action is brought within such period ~~of two years after such person's death~~ and for any cause abates or is dismissed without determining the merits of such action, the time such action is pending shall not be counted as any part of such period of two years and another action may be brought within the remaining period of such two years as if such former action had not been instituted. However, if a plaintiff suffers a voluntary nonsuit pursuant to § 8.01-380, the nonsuit shall not be deemed an abatement nor a dismissal pursuant to this subsection, and the provisions of subdivision E 3 of § 8.01-229 shall apply to such a nonsuited action.

2. That an emergency exists and this act is in force from its passage.

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