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## HOUSE BILL NO. 138

House Amendments in [ ] — February 12, 1996

A BILL for the relief of Brian Keith Linkous.

Patrons—Reynolds and Armstrong

Referred to Committee on Claims

Whereas, in the late afternoon of October 6, 1995, Deputy James H. Keaton, while on patrol in his police vehicle in Henry County, observed an intoxicated woman leaving the scene of an accident; and

Whereas, in beginning his pursuit, Deputy Keaton attempted to make a U-turn, but realizing he could not complete it, began to back up into the traffic lane; and

Whereas, although Deputy Keaton looked to see if there were any vehicles coming, he apparently did not see Brian Linkous' vehicle approaching and the two cars collided; and

Whereas, Brian Linkous' vehicle sustained significant damage as a result of the collision; and

Whereas, the Supreme Court of Virginia has ruled that, under the doctrine of sovereign immunity, the acts of a police officer engaged in vehicular pursuit are entitled to immunity, because the officer's acts involve the exercise of discretion and judgment and are not simply ministerial in nature; and

Whereas, Deputy Keaton is immune from civil liability; and

Whereas, Brian Keith Linkous has no other means to obtain relief except by action of this body; now, therefore,

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

1. § 1. That there is hereby [ ~~appropriated from the general fund of the state treasury~~ allocated from funds appropriated to Henry County pursuant to § 14.1-84.1 of the Code of Virginia ] the sum of \$1,116 for the relief of Brian Keith Linkous. This sum shall be paid by check issued by the State Treasurer on a warrant of the Comptroller, upon execution by Brian Keith Linkous of a release of all claims he may have against the Commonwealth, its political subdivisions, agencies, instrumentalities, officers or employees in connection with, or arising out of, the aforesaid occurrence.

ENGROSSED

HB138E