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HOUSE BILL NO. 515

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.8, relating to civil action for malicious prosecution; self-defense.

Patron—March

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 in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.8 as follows:

§ 8.01-44.8. Civil action for malicious prosecution; self-defense.

A. Notwithstanding any other provision of law, in any case in which a criminal defendant is charged with aggravated murder, murder in the first degree, murder in the second degree, or voluntary manslaughter, and such criminal defendant is found to have acted solely in self-defense, such defendant shall have a civil cause of action for malicious prosecution against the prosecutor who brought the charges or prosecuted such criminal case if such criminal defendant can prove that such prosecution was malicious and motivated by reasons other than bringing the alleged defendant to justice.

B. If the provisions of subsection A are met, the criminal defendant bringing such an action shall be entitled to compensatory damages incurred by such defendant as result of such prosecution, as well as court costs and reasonable attorney fees. If compensatory damages are awarded, such criminal defendant may also be awarded punitive damages.

C. A prosecutor shall not claim immunity for a suit brought pursuant to this section.

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HB515