

25103973D

HOUSE BILL NO. 1650

Offered January 8, 2025

Prefiled January 3, 2025

A BILL to amend and reenact § 59.1-68.2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 8.01 a chapter numbered 28, consisting of sections numbered 8.01-698 through 8.01-704, relating to Virginia Antiterrorism Act established; civil penalties.

Patron—Ballard

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-68.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 8.01 a chapter numbered 28, consisting of sections numbered 8.01-698 through 8.01-704, as follows:

CHAPTER 28.

VIRGINIA ANTITERRORISM ACT.

§ 8.01-698. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Act of terrorism" means the same as such term is defined in § 18.2-46.4.

"Material support" means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, and transportation. "Material support" does not include medicine or religious materials.

"Prohibited transaction" means any transaction with any terrorist sponsor without proper authorization from federal or state agencies.

"Terrorist sponsor" means a country, organization, group, or individual that the United States has determined as having repeatedly provided support for acts of international or domestic terrorism. "Terrorist sponsor" includes (i) a State Sponsor of Terrorism or Foreign Terrorist Organization (FTO) as designated by the U.S. Department of State, (ii) a Specially Designated National or Blocked Person (SDN), (iii) a Specially Designated Global Terrorist (SDGT) as designated by the U.S. Department of State or the U.S. Department of the Treasury, and (iv) an individual or organization identified for association with domestic terrorism by the Federal Bureau of Investigation.

§ 8.01-699. Cause of action.

A. Any person injured as a result of an act of terrorism or the estate of any person whose death was the result of such an act of terrorism may maintain a cause of action pursuant to this section against any individual or entity that (i) engaged in conduct prohibited under § 18.2-46.5 or (ii) indirectly aided and abetted, or provided material support for, the commission of an act of terrorism, whether or not the individual or entity has been charged with or convicted of a related criminal offense.

B. An action pursuant to this section may be maintained only if the defendant (i) currently resides in the Commonwealth, (ii) resided in the Commonwealth at the time of the acts giving rise to the cause of action, or (iii) transacted business within the Commonwealth and the cause of action arose from the transaction of such business.

C. The plaintiff shall prove by a preponderance of the evidence that the injury or death occurred as a result of the defendant's violation of clause (i) or (ii) of subsection A. Where a plaintiff proves a claim by a preponderance of the evidence, the court shall award actual damages in treble the amount sustained and reasonable attorney fees and costs.

D. Nothing in this section shall be construed to prohibit the award of any other remedy available to a plaintiff for a violation of the provisions of this section.

§ 8.01-700. Presumption of material support.

Evidence that a person conducted a prohibited transaction shall establish a rebuttable presumption that the individual or entity that conducted such prohibited transaction provided indirect material support for an act of terrorism that was committed, directed, or supported by such terrorist sponsor or by another person or entity with which such terrorist sponsor carries on substantial commercial activity. Such presumption may be rebutted by proof that the support provided was de minimis such that it was not a proximate cause of such act of terrorism.

§ 8.01-701. Powers of Attorney General to issue investigative demands; enforcement of civil penalties.

Whenever the Attorney General has reasonable cause to believe that any person has engaged in, is

59 *engaging in, or is about to engage in conduct that would give rise to a cause of action under § 8.01-699, the*
60 *Attorney General shall be authorized to issue a civil investigative demand to any person that may be in*
61 *possession, custody, or control of any relevant documentary material or information. The provisions of §*
62 *59.1-9.10 shall apply mutatis mutandis to civil investigative demands issued pursuant to this section.*

63 **§ 8.01-702. Civil penalties; enforcement by the Attorney General.**

64 *The Attorney General, in the name of the Commonwealth, shall be authorized to enforce and recover civil*
65 *penalties for conduct that would give rise to a cause of action under § 8.01-699. Such penalties shall be in*
66 *the amount of (i) \$20,000 for each transaction or act that would establish liability pursuant to § 8.01-699 or*
67 *(ii) the fair market value of the material support provided by the defendant to a terrorist sponsor or any other*
68 *person for the purposes of the commission of an act of terrorism, whichever is greater. Such penalties shall*
69 *be in addition to any damages awarded to individual plaintiffs.*

70 **§ 8.01-703. Limitation of actions.**

71 *An action for recovery of damages or civil penalties, or both, pursuant to this chapter shall not be*
72 *maintained unless commenced within 10 years after the date the cause of action accrued, provided that*
73 *causes of actions for all acts of terrorism that occurred on or after January 1, 2007, shall be deemed timely*
74 *filed if commenced no later than December 31, 2025.*

75 *The provisions of this section shall not apply to an action brought by the Commonwealth pursuant to §*
76 *8.01-702.*

77 **§ 8.01-704. Venue.**

78 *The venue for all actions or proceedings under this chapter shall be in the circuit court of the city or*
79 *county of the Commonwealth in which the defendant (i) resides, (ii) regularly or systematically conducts*
80 *affairs or business activity, (iii) has property that may be affected by such action or proceeding, or (iv)*
81 *engaged in the conduct giving rise to the cause of action. If clauses (i), (ii), or (iii) are not applicable to the*
82 *defendant, such action or proceeding may be brought in the circuit court of the city or county of the*
83 *Commonwealth in which the plaintiff resides or last resided. If the plaintiff has never resided in the*
84 *Commonwealth, the action may be brought in the Circuit Court of the City of Richmond.*

85 **§ 59.1-68.2. Authority of Attorney General.**

86 *Notwithstanding any other provisions of the law to the contrary, the Attorney General may investigate and*
87 *bring an action in the name of the Commonwealth to enjoin any violation of Chapter 28 (§ 8.01-698 et seq.)*
88 *of Title 8.01, Article 8 (§ 18.2-214 et seq.) of Chapter 6 of Title 18.2, and Chapters 2.1 (§ 59.1-21.1 et seq.)*
89 *through 3.1 (§ 59.1-41.1 et seq.) and of Article 8 (§ 18.2-214 et seq.), Chapter 6 of Title 18.2.*