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SENATE BILL NO. 894

Offered January 8, 2025

Prefiled January 4, 2025

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-42.6, relating to civil actions; liability of employer or principal for criminal sexual assault by employee or agent.*

Patrons—Perry, Obenshain and Boysko

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 a section numbered 8.01-42.6 as follows:

§ 8.01-42.6. Liability of employer or principal for criminal sexual assault by employee or agent.

A. In addition to any other available grounds for the determination of the course and scope of employment or agency, in an action for injury to the person arising out of an act that would constitute criminal sexual assault pursuant to the provisions of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 committed by an employee or agent, the act of such employee or agent shall be deemed to have occurred within the course and scope of his employment or agency if:

1. But for the employment or agency relationship, the employee or agent would not have had access to the injured person; and

2. The act causing injury occurred:

a. While on any premises owned or operated by the employer or principal;

b. While on any premises where the employee or agent was required to perform work as a part of his employment or agency; or

c. While within or while maintaining or operating any vehicle furnished to such employee or agent by the employer or principal.

B. Determination of questions of fact under this section shall be proven by a preponderance of the evidence by the finder of fact at trial on the merits of the underlying action for personal injury.

C. A person has a cause of action pursuant to this section whether or not the employee or agent has been charged or convicted of an alleged violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.

INTRODUCED

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