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HOUSE BILL NO. 650

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact §§ 8.01-327.1 and 8.01-327.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 8 of Title 8.01 sections numbered 8.01-327.3 and 8.01-327.4, relating to certain civil arrests prohibited in courthouses; penalty.

Patrons—Callsen, Cousins, Glass, Lopez, Shin, Bennett-Parker, Bulova, Carnegie, Carr, Cole, J.G., Convirs-Fowler, Dougherty, Franklin, M.A., Guzman, Helmer, Hernandez, Herring, Keys-Gamarra, Laufer, LeVere Bolling, Maldonado, Martinez, McClure, McGuire, Mehta, Nivar, Price, Reaser, Schmidt, Seibold, Sewell, Simon, Thomas, Thornton, Tran, Watts and Willett

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-327.1 and 8.01-327.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 8 of Title 8.01 sections numbered 8.01-327.3 and 8.01-327.4 as follows:

§ 8.01-327.1. Definition of "arrest under civil process."

The terms "arrest under civil process" and "civil arrest" shall be synonymous and shall be the apprehending and detaining of a person pursuant to specific provisions of this title to achieve the following:

1. A full and proper answer or response to interrogatories under § 8.01-506; *or*

2. His obedience to *(i)* the orders, judgments, and decrees of any court *or (ii) any civil administrative warrant issued by or on behalf of a state or federal agency or administrative judge or court that may form the basis for an individual's arrest or detention for a civil immigration purpose.*

"Arrest under civil process" and "civil arrest" do not include an arrest for contempt of court pursuant to the provisions of Article 5 (§ 18.2-456 et seq.) of Chapter 10 of Title 18.2 or other relevant provisions of law under which the court proceeding is taking place or is scheduled to take place.

§ 8.01-327.2. Who are privileged from arrest under civil process.

In addition to the exemptions made by §§ *8.01-327.3,* 30-4, 30-6, 30-7, 30-8, 19.2-280, and 44-97, the following persons shall not be arrested, apprehended, or detained under any civil process during the times respectively herein set forth, but shall not otherwise be privileged from service of civil process by this section:

1. The President of the United States, and the Governor of the Commonwealth at all times during their terms of office;

2. The Lieutenant Governor of the Commonwealth during attendance at sessions of the General Assembly and while going to and from such sessions;

3. Members of either house of the Congress of the United States during the session of Congress and for fifteen days next before the beginning and after the ending of any session, and during any time that they are serving on any committee or performing any other service under an order or request of either house of Congress;

4. A judge, grand juror or witness, required by lawful authority to attend any court or place, during such attendance and while going to and from such court or place;

5. *A party required by lawful authority to attend any court of the Commonwealth, such party's family or household member as defined in § 16.1-228, or a person attending the court with such party to serve as a witness for such party during such attendance or while going to or from the court;*

6. Members of the National Guard while going to, attending at, or returning from, any muster or court-martial;

~~6.~~ *7.* Ministers of the gospel while engaged in performing religious services in a place where a congregation is assembled and while going to and returning from such place; and

~~7.~~ *8.* Voters going to, attending at, or returning from an election. Such privilege shall only be on the days of such attendance.

§ 8.01-327.3. Requirements to effect certain civil arrests in a courthouse.

A. No person with the lawful authority to perform civil arrests shall conduct a civil arrest in a courthouse unless such person, upon entering the courthouse, provides to the appropriate courthouse officer or employee (i) his identification; (ii) that his reason for entering the courthouse is to effect a civil arrest; and (iii) a judicial warrant or judicial order authorizing the civil arrest.

B. No courthouse officer or employee shall permit any person to access a courthouse to conduct a civil arrest unless the person presents a valid judicial warrant or judicial order authorizing the civil arrest and

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such judicial warrant or judicial order has been reviewed, and its authenticity confirmed in writing, by a designated judicial officer or discreet and competent attorney at law.

The provisions of this section shall apply to courts of record as defined in § 1-212 and courts not of record as defined in § 16.1-69.5. Nothing in this section shall be construed to authorize the civil arrest of any person otherwise exempt from such civil arrest by §§ 8.01-327.3, 30-4, 30-6, 30-7, 30-8, 19.2-280, and 44-97.

§ 8.01-327.4. Penalty for conducting prohibited civil arrest.

A. Any action taken to perform a civil arrest in willful violation of § 8.01-327.3, including conducting a prohibited civil arrest, or facilitating or assisting with the performance of a prohibited civil arrest, shall constitute contempt of court.

B. In addition to any other right or remedy, a person may bring a civil action for appropriate equitable, injunctive, or declaratory relief against another person who willfully violates the provisions of § 8.01-327.3. Nothing in this subsection shall be construed to limit or prohibit any person injured by a civil arrest performed in violation of § 8.01-327.3 from recovering damages or other appropriate relief.

C. In addition to any other right or remedy, the Attorney General may bring a civil action against any person who willfully violates this section.