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HOUSE BILL NO. 981

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend the Code of Virginia by adding a section numbered 17.1-626.2, relating to criminal cases; prosecutorial misconduct; reasonable costs and attorney fees.

Patron—Garrett

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 17.1-626.2 as follows:

§ 17.1-626.2. Criminal cases; prosecutorial misconduct; reasonable costs and attorney fees.

When any criminal case is dismissed and it is discovered that prosecutorial misconduct was present or an abuse of process occurred, including cases in which charges were filed with a knowing lack of probable cause or with a malicious intent, the defendant in such criminal case shall be entitled to reasonable costs and attorney fees incurred in defending such case. The provisions of this section apply to cases in which an attorney was appointed to represent the defendant and cases in which such defendant retained his own counsel.

INTRODUCED

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