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HOUSE BILL NO. 1314

Offered January 16, 2026

A BILL to amend the Code of Virginia by adding a section numbered 8.01-42.7, relating to civil action for deprivation of rights; liability of persons acting under color of law.

Patron—Maldonado

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 8.01-42.7 as follows:****§ 8.01-42.7. Civil action for deprivation of rights.**

A. Any individual who has been deprived of any rights, privileges, or immunities granted to such individual under the constitutions or laws of the United States and the Commonwealth by a person acting under color of law has a civil cause of action against such person for compensatory damages, punitive damages, and equitable relief. If the plaintiff prevails in such action, the court may award reasonable attorney fees and costs in addition to any monetary damages or injunctive relief.

B. When determining whether to award the plaintiff punitive damages, the finder of fact shall consider whether, at the time of the conduct that resulted in the alleged injury, the defendant:

- 1. Was wearing a facial covering;*
- 2. Failed to identify or disclose that he was a law-enforcement officer verbally or by wearing a badge, insignia, or other marking upon his person;*
- 3. Failed to wear a body-worn camera in violation of the policy of such defendant's employing law-enforcement agency;*
- 4. Was operating or using a motor vehicle without a license plate or with an out-of-state license plate;*
- 5. Was using crowd control equipment; or*
- 6. Intentionally violated or intentionally failed to comply with any material term or condition of a court order that (i) was in effect at the time of the conduct resulting in the alleged injury; (ii) applied to such defendant while acting under the color of law; and (iii) was issued in part or in whole to address or prevent such conduct that resulted in such alleged injury.*

C. An individual who brings an action for deprivation of rights, privileges, or immunities against a person acting under color of law pursuant to this section may also name in such action any supervisor responsible for directing or overseeing the conduct of a person acting under color of law.

D. An action brought pursuant to this section shall be commenced within four years of an alleged violation pursuant to subsection A.

INTRODUCED

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