

26100090D

SENATE BILL NO. 408

Senate Amendments in [] - February 16, 2026

A BILL to amend and reenact § 57-59 of the Code of Virginia, relating to solicitation of contributions; enforcement; private right of action.

Patron Prior to Engrossment—Senator Stuart

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 57-59 of the Code of Virginia is amended and reenacted as follows:

§ 57-59. Enforcement of chapter; seizure of property connected with terrorism; penalties.

A. Any person who willfully and knowingly violates, or causes to be violated, any provision of this chapter, or who willfully and knowingly gives false or incorrect information to the Commissioner in filing statements or reports required by this chapter, whether such report or statement is verified or not, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished for the first offense by a fine of not less than \$100 and not more than \$1,000 or by confinement in jail for not more than six months, or both, and for the second and any subsequent offense by a fine of not less than \$500 and not more than \$2,500 or by confinement in jail for not more than one year, or both.

The following property shall be subject to lawful seizure by any law-enforcement officer charged with enforcing the provisions of this chapter: all moneys or other property, real or personal, together with any interest or profits derived from the investment of such money and used in substantial connection with an act of terrorism, as defined in § 18.2-46.4. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

B. Whenever the Commissioner has reasonable cause to believe that a violation of this chapter may have occurred, the Commissioner, upon his own motion or upon complaint of any person, may investigate any charitable or civic organization, commercial co-venturer, professional fund-raising counsel, or professional solicitor to determine whether such charitable or civic organization, commercial co-venturer, professional fund-raising counsel, or professional solicitor has violated the provisions of this chapter. In the conduct of such investigation, the Commissioner may:

1. Require or permit any person to file a statement in writing, under oath or otherwise as the Commissioner determines, as to all facts and circumstances concerning the matter to be investigated.

2. Administer oaths or affirmations and, upon his motion or upon request of any party, subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangibles and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

Any proceedings or hearings by the Commissioner under this chapter, where witnesses are subpoenaed and their attendance is required for evidence to be taken or any matter is to be produced to ascertain material evidence, shall take place within the City of Richmond.

Upon failure to obey a subpoena and upon reasonable notice to all persons affected thereby, the Commissioner may apply to the Circuit Court of the City of Richmond for an order imposing punishment for contempt of the subpoena or compelling compliance.

C. Whenever the Attorney General has reasonable cause to believe that any person has operated, is operating, or is about to operate in violation of the provisions of this chapter, the Attorney General may issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to civil investigative demands issued pursuant to this subsection.

D. Whenever the Attorney General, or any attorney for the Commonwealth, or the attorney for any city, county, city, or town has reason to believe that any charitable or civic organization, commercial co-venturer, professional fund-raising counsel, or professional solicitor has operated, is operating, or is about to operate in violation of the provisions of this chapter, the Attorney General, an attorney for the Commonwealth, or the attorney for any city, county, city, or town, in addition to all other actions authorized by law, may bring an action in the name of the Commonwealth against such charitable or civic organization, commercial co-venturer, professional fund-raising counsel, or professional solicitor, or their officers, directors, or other agents to enjoin the continuation of such violation, solicitation, or collection, or the engaging therein, or the conducting of any acts in furtherance thereof, and for such other relief as the court deems appropriate.

E. In any action brought under subsection D, the court may also award to the Commonwealth (i) a civil penalty of not more than \$5,000 per violation, to be paid to the Literary Fund, (ii) reasonable expenses incurred by the state or local agency in investigating and preparing the case, not to exceed \$250 per violation,

ENGROSSED

SB408E

2/16/26 16:41

59 and ~~attorney's~~ (iii) attorney fees. Such expenses and ~~attorney's~~ attorney fees shall be paid into the general
60 fund of the Commonwealth or of the county, city, or town ~~which~~ that such attorney represented.
61 *F. Notwithstanding any enforcement action undertaken by the Commissioner, the Attorney General, any*
62 *attorney for the Commonwealth, or the attorney for any county, city, or town, any aggrieved individual who*
63 *contributed to a charitable or civic organization, commercial co-venturer, professional fund-raising counsel,*
64 *or professional solicitor that violated any provision of this chapter shall be entitled to initiate an action to*
65 *recover [~~(i)~~] actual damages or \$500, whichever is greater [~~(ii)~~ , and] reasonable costs [~~and (iii)~~*
66 *attorney fees] . If the trier of fact finds that the violation was willful, it may increase damages to an amount*
67 *not to exceed three times the actual damages sustained or \$1,000, whichever is greater [, and may award*
68 *attorney fees] .*