

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 9.1-302 and 9.1-304 of the Code of Virginia, relating to Firefighters and
2 Emergency Medical Technicians Procedural Guarantee Act; breach of procedures.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That §§ 9.1-302 and 9.1-304 of the Code of Virginia are amended and reenacted as follows:**

5 **§ 9.1-302. Breach of procedures.**

6 A. Any breach of the procedures required by this chapter shall not exclude any evidence from
7 being presented in any case against a firefighter or individual who meets the definition of "emergency
8 medical services personnel" in § 32.1-111.1 and shall not cause any charge to be dismissed unless the
9 firefighter or emergency medical services personnel demonstrates that the breach prejudiced his case.

10 B. Any breach of the procedures required by this chapter shall create a cause of action against the
11 employing agency in favor of the firefighter or emergency medical services personnel that was subjected
12 to interrogation and shall subject the employing agency to a penalty of \$1,000 for each violation.

13 C. Any person who knowingly violates the procedures required by this chapter is guilty of
14 malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in
15 addition to any other fine or penalty provided by law, may order the forfeiture of such office or
16 employment.

17 **§ 9.1-304. Rights nonexclusive.**

18 The rights of firefighters and emergency medical technicians as set forth in this chapter shall not
19 be construed to diminish the rights and privileges of firefighters or emergency medical technicians that
20 are guaranteed to all citizens by the Constitution and laws of the United States and the Commonwealth or
21 limit the granting of broader rights by other law, ordinance, or rule.

22 This section shall not abridge ~~or expand~~ the rights of firefighters or emergency medical technicians
23 to bring civil suits for injuries suffered in the course of their employment as recognized by the courts, ~~nor~~
24 ~~is it designed to abrogate any common law or statutory limitation on the rights of recovery.~~

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