

SUBCOMMITTEE:

1 HOUSE BILL NO. 2073
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee for Courts of Justice
4 on _____)
5 (Patron Prior to Substitute--Delegate Convirs-Fowler)

6 A BILL to amend and reenact § 8.01-244 of the Code of Virginia, relating to wrongful death statute of
7 limitations; criminal investigations by law enforcement; emergency.

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

9 **1. That § 8.01-244 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 8.01-244. Actions for wrongful death; limitation.**

11 A. Notwithstanding the provisions of subsection B of § 8.01-229-B, if a person entitled to bring an
12 action for personal injury dies as a result of such injury with no such action pending before the expiration
13 of the limitations period set forth in § 8.01-243, then an action under § 8.01-50 may be commenced within
14 the time limits specified in subsection B ~~of this section~~.

15 B. Every action under § 8.01-50 shall be brought by the personal representative of the decedent
16 within two years after the death of the injured person or, if applicable, within two years of the conclusion
17 of a criminal investigation by law enforcement of such death, whichever is longer. For the purposes of
18 this section, a criminal investigation shall be considered concluded when a law-enforcement agency in
19 charge of such investigation no longer continues to gather evidence for a possible future criminal case. If
20 any such action is brought within such period ~~of two years after such person's death~~ and for any cause
21 abates or is dismissed without determining the merits of such action, the time such action is pending shall
22 not be counted as any part of such period of two years and another action may be brought within the
23 remaining period of such two years as if such former action had not been instituted. However, if a plaintiff
24 suffers a voluntary nonsuit pursuant to § 8.01-380, the nonsuit shall not be deemed an abatement nor a
25 dismissal pursuant to this subsection, and the provisions of subdivision E 3 of § 8.01-229 shall apply to
26 such a nonsuited action.

27 2. That an emergency exists and this act is in force from its passage.

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