

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB259

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Surovell

3. Committee: Courts of Justice

4. Title: Civil actions filed on behalf of multiple persons; award of damages in action for retaliation.

5. Summary: This bill provides that a circuit court may enter an order certifying a class or joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction or occurrence. Under current law, such order is permitted only where six or more plaintiffs have filed such actions.

The bill also provides that in a civil action for retaliation of an employer against an employee, the court or jury may order the reinstatement of the employee to a similar or equivalent position and compensation for lost wages, benefits, and remuneration, as well as reasonable attorney fees and costs, and may award treble damages upon a finding that such act of retaliation by an employer against an employee was willful.

The bill requires the Supreme Court of Virginia to promulgate rules governing such actions. The bill has a delayed effective date of January 1, 2025.

6. Budget Amendment Necessary: Indeterminate

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: The proposed bill would allow for new types of civil proceedings. However, it is not possible to estimate the scope of potential new cases or the impact this may have on courts. The requirement to promulgate the rules required by this proposal is not expected to have a material impact on courts.

The Office of the Attorney General reports that this bill may expose the Commonwealth, state agencies, and employees to additional litigation and, therefore, may have a fiscal impact on agency operations. However, the fiscal impact cannot be quantified at this time.

9. Specific Agency or Political Subdivisions Affected: Courts, Office of the Attorney General

10. Technical Amendment Necessary: No

11. Other Comments: None