

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

REENGROSSED

LLS NO. 26-0725.03 Robin Bass x2314

HOUSE BILL 26-020

SENATE SPONSORSHIP

Forbes

HOUSE SPONSORSHIP

Ballard, Walker, Wood

House Committees

Public Safety & Homeland Security

Senate Committees

Not assigned

A BILL FOR AN ACT

**CONCERNING ENDING QUALIFIED IMMUNITY DEFENSES FOR LAW ENFORCEMENT
OFFICIALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill eliminates the use of qualified immunity as a defense in civil actions brought under the laws of the State of San Andreas against law enforcement officers accused of violating constitutional or statutory rights. The bill establishes that law enforcement officers may be held personally liable for damages resulting from unlawful conduct committed while acting under color of law.

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The legislation provides that qualified immunity shall not bar civil claims alleging violations of the state or federal constitution or state statutory rights. Individuals who suffer injury as a result of such violations may seek compensatory damages, injunctive relief, declaratory relief, and attorney fees in state court.

The bill also limits the ability of state and local governments to indemnify officers in cases where a court finds that the officer acted knowingly, recklessly, or with willful disregard for constitutional or statutory rights. Indemnification remains permissible in cases involving negligence where intentional or reckless misconduct is not found.

The purpose of the Act is to increase accountability for violations of individual rights while maintaining existing civil law defenses and judicial oversight.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*

3 **SECTION 1. SHORT TITLE.** This act shall be known and cited
4 as the “Police Civil Liability Act.” **SECTION 2. LEGISLATIVE**
5 **FINDINGS AND INTENT.** (a) The General Assembly finds and
6 declares that: (I) The protection of constitutional rights and the
7 rule of law require meaningful accountability when government
8 officials violate the rights of individuals; (II) Civil remedies serve
9 both a compensatory and deterrent function when unlawful
10 conduct results in harm; (III) The doctrine of qualified immunity
11 has limited the ability of injured persons to obtain relief in cases
12 involving violations of constitutional or statutory rights; (IV)
13 Public confidence in law enforcement is strengthened when
14 accountability mechanisms are clear, consistent, and fairly
15 applied; (V) It is the intent of the General Assembly to ensure that
16 law enforcement officers who violate clearly established
17 constitutional or statutory rights may be held personally liable for
18 their actions, while preserving defenses available under ordinary
19 civil law. **SECTION 3. DEFINITIONS.** For purposes of this Act,
20 unless the context otherwise requires: (a) “Law enforcement

1 officer” means any peace officer or other individual authorized by
2 law to enforce criminal statutes or conduct arrests on behalf of the
3 state or a political subdivision. (b) “Qualified immunity” means
4 any doctrine or defense that shields a public official from civil
5 liability solely on the basis that the right violated was not clearly
6 established at the time of the conduct. (c) “Political subdivision”
7 includes any county, municipality, district, or other governmental
8 entity within the state. (d) “Acting under color of law” means
9 conduct undertaken by a law enforcement officer while exercising
10 or purporting to exercise official authority granted by the state or
11 a political subdivision. **SECTION 4. ABOLITION OF**
12 **QUALIFIED IMMUNITY UNDER STATE LAW.** (a) Qualified
13 immunity shall not be a defense to liability in any civil action
14 brought under the Constitution or laws of the State of San
15 Andreas alleging: (I) A violation of the Constitution of the State
16 of San Andreas; (II) A violation of the Constitution of the United
17 States; or (III) Conduct actionable under state civil rights
18 provisions. Nothing in this section shall be construed to alter
19 defenses available under federal law in actions brought
20 exclusively under federal jurisdiction. (b) A law enforcement
21 officer who, acting under color of law, deprives a person of rights
22 secured under state law shall be liable for damages resulting from
23 such conduct, subject to indemnification provisions established in
24 Section 5 of this Act. (c) Nothing in this section shall prohibit
25 assertion of defenses otherwise available under civil law,
26 including lack of causation, lawful justification, reasonable
27 reliance upon a warrant, court order, statutory authority, or
28 binding judicial precedent. (d) In determining liability under this
29 section, courts shall evaluate whether the officer’s conduct was
30 objectively reasonable under the totality of circumstances known
31 to the officer at the time of the conduct. (e) Nothing in this section
32 shall be construed to impose liability upon a law enforcement
33 officer for actions taken in good faith reliance upon binding court

1 precedent or statutory authority that was later determined to be
2 unconstitutional. (f) In determining whether an officer's conduct
3 was objectively reasonable, courts may consider whether the
4 officer received training consistent with the requirements
5 established under Section 8.5 of this Act. **SECTION 5.**
6 **LIMITATION ON INDEMNIFICATION.** (a) A state or political
7 subdivision shall indemnify a law enforcement officer for
8 damages arising from conduct within the scope of employment
9 unless a court finds by clear and convincing evidence that the
10 officer acted knowingly, maliciously, or with willful disregard for
11 constitutional or statutory rights. (b) Nothing in this section
12 prohibits indemnification where liability arises solely from
13 negligence and no finding of intentional or reckless misconduct is
14 made. (c) Where indemnification is denied pursuant to subsection
15 (a), personal financial liability of an officer shall not exceed
16 twenty-five thousand dollars unless intentional misconduct is
17 established. (d) A political subdivision may provide legal
18 representation for a law enforcement officer named in an action
19 brought under this Act, provided that such representation does not
20 conflict with the interests of the governmental entity. **SECTION**
21 **5.5. AGENCY LIABILITY.** (a) A political subdivision employing
22 a law enforcement officer shall remain jointly liable for violations
23 occurring within the scope of employment. (b) Nothing in this Act
24 shall be construed to shield governmental entities from liability
25 otherwise provided by law. (c) A political subdivision found
26 jointly liable under this section may seek contribution from the
27 individual officer where a court determines that the officer acted
28 knowingly, maliciously, or with willful disregard for
29 constitutional rights. **SECTION 6. CAUSE OF ACTION.** (a) Any
30 person injured by a law enforcement officer acting under color of
31 law in violation of constitutional or statutory rights may bring a
32 civil action for: (I) Compensatory damages; (II) Injunctive relief;
33 (III) Declaratory relief; and (IV) Reasonable attorney fees and

1 costs. (b) In any action brought under this section, courts may
2 award reasonable attorney fees and costs to a prevailing plaintiff
3 in addition to any damages awarded. **SECTION 7. RELATION**
4 **TO EXISTING LAW.** (a) This Act supplements existing civil
5 rights remedies and shall be liberally construed to provide a
6 remedy for violations of individual rights occurring within the
7 State of San Andreas. (b) The Department of Law shall publish an
8 annual report summarizing civil actions filed under this Act,
9 settlement amounts, and policy recommendations to reduce
10 constitutional violations. (c) Nothing in this Act shall limit the
11 authority of courts to award punitive damages where intentional
12 violations of constitutional rights are established. (d) The
13 Department of Law may develop model policies for law
14 enforcement agencies aimed at reducing conduct likely to result in
15 civil liability under this Act. (e) The Department of Law shall
16 publish aggregated data regarding civil claims brought under this
17 Act, including types of claims, outcomes of cases, and settlement
18 amounts, while protecting the privacy of individuals involved.
19 **SECTION 8. RULEMAKING AUTHORITY.** The Department of
20 Law and the Judicial Branch may promulgate rules necessary to
21 implement this Act. **SECTION 8.5. IMPLEMENTATION AND**
22 **TRAINING.** (a) Law enforcement agencies shall provide annual
23 training regarding constitutional policing standards and civil
24 liability obligations under this Act. (b) Completion of such
25 training may be considered by courts in evaluating reasonableness
26 of conduct. (c) Training required under this section shall include
27 instruction on constitutional rights, de-escalation techniques, and
28 lawful use-of-force standards. **SECTION 9. EFFECTIVE DATE.**
29 This Act shall take effect after the 90 day period following the
30 final adjournment of the Seventy-Seventh general assembly.