CHAPTER 13

# CIVIL LAW

**HOUSE BILL 26-020**

BY REPRESENTATIVE(S) Howard Ballard, Charlie Walker, Angelica Wood
also SENATOR(S) Sarah Forbes

## AN ACT

CONCERNING ENDING QUALIFIED IMMUNITY DEFENSES FOR LAW ENFORCEMENT OFFICIALS.

*Be it Enacted by the General Assembly of the State of San Andreas:*

**In the San Andreas Revised Statutes, ADD section 29-25-176 as follows:**

**SECTION 1.** SHORT TITLE. This act shall be known and cited as the "Police Civil Liability Act."

[1] Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

**SECTION 2.** LEGISLATIVE FINDINGS AND INTENT. (a) The General Assembly finds and declares that:

(I) The protection of constitutional rights and the rule of law require meaningful accountability when government officials violate the rights of individuals;

(II) Civil remedies serve both a compensatory and deterrent function when unlawful conduct results in harm;

(III) The doctrine of qualified immunity has limited the ability of injured persons to obtain relief in cases involving violations of constitutional or statutory rights;

(IV) Public confidence in law enforcement is strengthened when accountability mechanisms are clear, consistent, and fairly applied;

(V) It is the intent of the General Assembly to ensure that law enforcement officers who violate clearly established constitutional or statutory rights may be held personally liable for their actions, while preserving defenses available under ordinary civil law.

**SECTION 3.** DEFINITIONS. For purposes of this Act, unless the context otherwise requires:

(a) “Law enforcement officer” means any peace officer or other individual authorized by law to enforce criminal statutes or conduct arrests on behalf of the state or a political subdivision.

(b) “Qualified immunity” means any doctrine or defense that shields a public official from civil liability solely on the basis that the right violated was not clearly established at the time of the conduct.

(c) “Political subdivision” includes any county, municipality, district, or other governmental entity within the state.

(d) “Acting under color of law” means conduct undertaken by a law enforcement officer while exercising or purporting to exercise official authority granted by the state or a political subdivision.

**SECTION 4.** ABOLITION OF QUALIFIED IMMUNITY UNDER STATE LAW. (a) Qualified immunity shall not be a defense to liability in any civil action brought under the Constitution or laws of the State of San Andreas alleging:

(I) A violation of the Constitution of the State of San Andreas;

(II) A violation of the Constitution of the United States; or

(III) Conduct actionable under state civil rights provisions. Nothing in this section shall be construed to alter defenses available under federal law in actions brought exclusively under federal jurisdiction.

(b) A law enforcement officer who, acting under color of law, deprives a person of rights secured under state law shall be liable for damages resulting from such conduct, subject to indemnification provisions established in Section 5 of this Act.

(c) Nothing in this section shall prohibit assertion of defenses otherwise available under civil law, including lack of causation, lawful justification, reasonable reliance upon a warrant, court order, statutory authority, or binding judicial precedent.

(d) In determining liability under this section, courts shall evaluate whether the officer's conduct was objectively reasonable under the totality of circumstances known to the officer at the time of the conduct.

(e) Nothing in this section shall be construed to impose liability upon a law enforcement officer for actions taken in good faith reliance upon binding court precedent or statutory authority that was later determined to be unconstitutional.

(f) In determining whether an officer's conduct was objectively reasonable, courts may consider whether the officer received training consistent with the requirements established under Section 8.5 of this Act.

**SECTION 5.** LIMITATION ON INDEMNIFICATION. (a) A state or political subdivision shall indemnify a law enforcement officer for damages arising from conduct within the scope of employment unless a court finds by clear and convincing evidence that the officer acted knowingly, maliciously, or with willful disregard for constitutional or statutory rights.

(b) Nothing in this section prohibits indemnification where liability arises solely from negligence and no finding of intentional or reckless misconduct is made.

(c) Where indemnification is denied pursuant to subsection (a), personal financial liability of an officer shall not exceed twenty-five thousand dollars unless intentional misconduct is established.

(d) A political subdivision may provide legal representation for a law enforcement officer named in an action brought under this Act, provided that such representation does not conflict with the interests of the governmental entity.

**SECTION 5.5.** AGENCY LIABILITY. (a) A political subdivision employing a law enforcement officer shall remain jointly liable for violations occurring within the scope of employment.

(b) Nothing in this Act shall be construed to shield governmental entities from liability otherwise provided by law.

(c) A political subdivision found jointly liable under this section may seek contribution from the individual officer where a court determines that the officer acted knowingly, maliciously, or with willful disregard for constitutional rights.

**SECTION 6.** CAUSE OF ACTION. (a) Any person injured by a law enforcement officer acting under color of law in violation of constitutional or statutory rights may bring a civil action for:

(I) Compensatory damages;

(II) Injunctive relief;

(III) Declaratory relief; and

(IV) Reasonable attorney fees and costs.

(b) In any action brought under this section, courts may award reasonable attorney fees and costs to a prevailing plaintiff in addition to any damages awarded.

**SECTION 7.** RELATION TO EXISTING LAW. (a) This Act supplements existing civil rights remedies and shall be liberally construed to provide a remedy for violations of individual rights occurring within the State of San Andreas.

(b) The Department of Law shall publish an annual report summarizing civil actions filed under this Act, settlement amounts, and policy recommendations to reduce constitutional violations.

(c) Nothing in this Act shall limit the authority of courts to award punitive damages where intentional violations of constitutional rights are established.

(d) The Department of Law may develop model policies for law enforcement agencies aimed at reducing conduct likely to result in civil liability under this Act.

(e) The Department of Law shall publish aggregated data regarding civil claims brought under this Act, including types of claims, outcomes of cases, and settlement amounts, while protecting the privacy of individuals involved.

**SECTION 8.** RULEMAKING AUTHORITY. The Department of Law and the Judicial Branch may promulgate rules necessary to implement this Act.

**SECTION 8.5.** IMPLEMENTATION AND TRAINING. (a) Law enforcement agencies shall provide annual training regarding constitutional policing standards and civil liability obligations under this Act.

(b) Completion of such training may be considered by courts in evaluating reasonableness of conduct.

(c) Training required under this section shall include instruction on constitutional rights, de-escalation techniques, and lawful use-of-force standards.

**SECTION 9.** EFFECTIVE DATE. Act subject to petition – effective date. This act takes effect on August 18, 2026, assuming the general assembly adjourns sine die on May 18, 2026; except that, if a veto petition is filed pursuant to Article II, Section 15 of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 11, 2026