

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

INTRODUCED

LLS NO. 26-0725.01 Robin Bass x2314

HOUSE BILL 26-020

SENATE SPONSORSHIP

Forbes

HOUSE SPONSORSHIP

Ballard, Walker, Wood

House Committees

Not assigned

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. **SECTION 4. ABOLITION OF**
9 **QUALIFIED IMMUNITY UNDER STATE LAW.** (a) Qualified
10 immunity shall not be a defense to liability in any civil action
11 brought under the laws of the State of San Andreas alleging: (I) A
12 violation of the Constitution of the State of San Andreas; (II) A
13 violation of the Constitution of the United States; or (III) A
14 violation of state statutory rights (IV) A violation of state law or
15 standards of professional standards. (b) A law enforcement
16 officer who, under color of law, deprives a person of rights
17 secured by the state or federal constitution shall be personally
18 liable for damages resulting from such conduct. (c) Nothing in
19 this section shall prohibit a law enforcement officer from asserting
20 other defenses available under civil law, including but not limited
21 to lack of causation, good faith reliance on a warrant, or lawful
22 justification. **SECTION 5. LIMITATION ON**
23 **INDEMNIFICATION.** (a) A state or political subdivision shall
24 not indemnify or reimburse a law enforcement officer for
25 damages awarded in a civil action where the court finds that the
26 officer acted: (I) Knowingly; (II) Recklessly; or (III) With willful
27 disregard for constitutional or statutory rights. (b) Nothing in this
28 section prohibits indemnification where liability arises solely from
29 negligence and no finding of intentional or reckless misconduct is
30 made. **SECTION 6. CAUSE OF ACTION.** (a) Any person
31 injured by a law enforcement officer acting under color of law in
32 violation of constitutional or statutory rights may bring a civil
33 action for: (I) Compensatory damages; (II) Injunctive relief; (III)

1 Declaratory relief; and (IV) Reasonable attorney fees and costs.
2 **SECTION 7. RELATION TO EXISTING LAW.** This Act
3 supplements existing civil rights remedies and shall be liberally
4 construed to provide a remedy for violations of individual rights
5 occurring within the State of San Andreas. **SECTION 8.**
6 **RULEMAKING AUTHORITY.** The Department of Law and the
7 Judicial Branch may promulgate rules necessary to implement this
8 Act. **SECTION 9. EFFECTIVE DATE.** This Act shall take effect
9 after the 90 day period following the final adjournment of the
10 Seventy-Seventh general assembly.