

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

ENGROSSED

LLS NO. 26-0725.02 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. **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 Constitution or laws of the State of San
12 Andreas alleging: (I) A violation of the Constitution of the State
13 of San Andreas; (II) A violation of the Constitution of the United
14 States; or (III) Conduct actionable under state civil rights
15 provisions. Nothing in this section shall be construed to alter
16 defenses available under federal law in actions brought
17 exclusively under federal jurisdiction. (b) A law enforcement
18 officer who, acting under color of law, deprives a person of rights
19 secured under state law shall be liable for damages resulting from
20 such conduct, subject to indemnification provisions established in
21 Section 5 of this Act. (c) Nothing in this section shall prohibit
22 assertion of defenses otherwise available under civil law,
23 including lack of causation, lawful justification, reasonable
24 reliance upon a warrant, court order, statutory authority, or
25 binding judicial precedent. (d) In determining liability under this
26 section, courts shall evaluate whether the officer’s conduct was
27 objectively reasonable under the totality of circumstances known
28 to the officer at the time of the conduct. **SECTION 5.**
29 **LIMITATION ON INDEMNIFICATION.** (a) A state or political
30 subdivision shall indemnify a law enforcement officer for
31 damages arising from conduct within the scope of employment
32 unless a court finds by clear and convincing evidence that the
33 officer acted knowingly, maliciously, or with willful disregard for

1 constitutional or statutory rights. (b) Nothing in this section
2 prohibits indemnification where liability arises solely from
3 negligence and no finding of intentional or reckless misconduct is
4 made. (c) Where indemnification is denied pursuant to subsection
5 (a), personal financial liability of an officer shall not exceed
6 twenty-five thousand dollars unless intentional misconduct is
7 established. **SECTION 5.5. AGENCY LIABILITY.** (a) A
8 political subdivision employing a law enforcement officer shall
9 remain jointly liable for violations occurring within the scope of
10 employment. (b) Nothing in this Act shall be construed to shield
11 governmental entities from liability otherwise provided by law.
12 **SECTION 6. CAUSE OF ACTION.** (a) Any person injured by a
13 law enforcement officer acting under color of law in violation of
14 constitutional or statutory rights may bring a civil action for: (I)
15 Compensatory damages; (II) Injunctive relief; (III) Declaratory
16 relief; and (IV) Reasonable attorney fees and costs. **SECTION 7.**
17 **RELATION TO EXISTING LAW.** (a) This Act supplements
18 existing civil rights remedies and shall be liberally construed to
19 provide a remedy for violations of individual rights occurring
20 within the State of San Andreas. (b) The Department of Law shall
21 publish an annual report summarizing civil actions filed under this
22 Act, settlement amounts, and policy recommendations to reduce
23 constitutional violations. **SECTION 8. RULEMAKING**
24 **AUTHORITY.** The Department of Law and the Judicial Branch
25 may promulgate rules necessary to implement this Act.
26 **SECTION 8.5. IMPLEMENTATION AND TRAINING.** (a) Law
27 enforcement agencies shall provide annual training regarding
28 constitutional policing standards and civil liability obligations
29 under this Act. (b) Completion of such training may be considered
30 by courts in evaluating reasonableness of conduct. **SECTION 9.**
31 **EFFECTIVE DATE.** This Act shall take effect after the 90 day
32 period following the final adjournment of the Seventy-Seventh
33 general assembly.