

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Line 43, by deleting said line and inserting in lieu thereof the following:

"to 210.1286 shall be invalid and void.

506.450. 1. A peace officer, as defined under section 590.010, who, under color of law, deprives any individual of his or her constitutional rights shall be liable to such individual for legal or equitable relief or any other appropriate relief.

2. (1) Statutory immunities and statutory limitations on liability, damages, or attorney fees shall not apply to claims brought under this section.

(2) Qualified immunity shall not be a defense to liability under this section.

3. In any action brought under this section, a court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation. If a judgment is entered in favor of a defendant, the court may award reasonable costs and attorney fees to the defendant for defending any claims the court finds frivolous.

4. Notwithstanding any other provision of law, a peace officer's employer shall indemnify its peace officers for any liability incurred by the peace officer and for any judgment or settlement entered against the peace officer for claims arising under this section; except that, if the peace officer was shown by clear and convincing evidence to be acting outside the scope of his or her employment or to not be acting under color of law, the peace officer shall be personally liable and shall not be indemnified by the peace officer's employer for more than five percent of the judgment or settlement or twenty-five thousand dollars, whichever is less. Notwithstanding any provision of this section, if the peace officer's portion of the judgment is uncollectable from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement. A public entity is not required to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises.

5. A civil action under this section shall be commenced within two years after the cause of action accrues."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

THIS AMENDMENT AMENDS 082805.55H.

Action Taken _____ Date _____