

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 21, by
2 inserting after said section and line the following:

3
4 "506.450. 1. A peace officer, as defined under section 590.010, who, under color of law,
5 deprives any individual of his or her constitutional rights shall be liable to such individual for legal
6 or equitable relief or any other appropriate relief.

7 2. (1) Statutory immunities and statutory limitations on liability, damages, or attorney fees
8 shall not apply to claims brought under this section.

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

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

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

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

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.

Action Taken _____ Date _____