

HB 956 -- CIVIL ACTIONS AGAINST PEACE OFFICERS

SPONSOR: Bosley

This bill creates a cause of action against a police officer who deprives an individual of his or her constitutional rights. Qualified immunity is not a defense to liability for an action brought under this bill. If the peace officer is found liable, his or her employer must pay for any judgment or settlement unless the officer was convicted of a criminal violation for the conduct from which the claim arises. If the employer determines that the officer did not act upon a good faith and reasonable belief that the action was lawful, the officer will be responsible for 5% of the judgment or settlement or \$25,000, whichever is less.

The bill also authorizes an award of reasonable attorney's fees for a plaintiff who prevails in a lawsuit against a peace officer who is charged with violating the plaintiff's Constitutional rights. However, if the judgment is entered in favor of a defendant and the court finds that the claims were frivolous, the defendant will be entitled to an award of reasonable attorney's fees.

A civil action under this section must be commenced within two years after the cause of action accrues.

This bill is similar to HB 30 (1st Extraordinary Session 2020).