

# HOUSE BILL NO. 1955

## 103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE BOSLEY.

4919H.011

JOSEPH ENGLER, Chief Clerk

---

### AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to civil actions against peace officers.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 506, RSMo, is amended by adding thereto one new section, to be  
2 known as section 506.450, to read as follows:

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

6 **2. (1) Statutory immunities and statutory limitations on liability, damages, or**  
7 **attorney's fees shall not apply to claims brought under this section.**

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

9 **3. In any action brought under this section, a court shall award reasonable**  
10 **attorney's fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court**  
11 **shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or**  
12 **significant catalyst in obtaining the results sought by the litigation. If a judgment is**

13 **4. Notwithstanding any other provision of law, a peace officer's employer shall**  
14 **indemnify a peace officer for any liability incurred by the peace officer and for any**  
15 **judgment or settlement entered against the peace officer for claims arising under this**  
16 **section, except that if the peace officer's employer determines that the officer did not act**  
17 **upon a good faith and reasonable belief that the action was lawful, the peace officer is**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 **personally liable and shall not be indemnified by the peace officer's employer for five**  
19 **percent of the judgment or settlement or twenty-five thousand dollars, whichever is less.**  
20 **Notwithstanding any provision of this section, if the peace officer's portion of the**  
21 **judgment is uncollectable from the peace officer, the peace officer's employer or**  
22 **insurance shall satisfy the full amount of the judgment or settlement. A public entity is**  
23 **not required to indemnify a peace officer if the peace officer was convicted of a criminal**  
24 **violation for the conduct from which the claim arises.**

25 **5. A civil action under this section shall be commenced within two years after the**  
26 **cause of action accrues.**

✓