

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1637, Page 1, Section A, Line 2, by inserting after said section and line the
2 following:

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

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

9 (2) Qualified or prosecutorial 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's fees and costs to
11 a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the
12 plaintiff's suit was a substantial factor in obtaining the results sought by the litigation. If a judgment is
13 entered in favor of a defendant, the court shall award reasonable costs and attorney's fees to the defendant for
14 defending any claims the court finds frivolous.

15 4. Notwithstanding any other provision of law, a peace officer's employer shall indemnify each of its
16 peace officers for any liability incurred by the peace officer and for any judgment or settlement entered
17 against the peace officer for claims arising under this section; except that, if the peace officer's employer
18 determines that the officer did not act upon a good faith and reasonable belief that the action was lawful, the
19 peace officer is personally liable and shall not be indemnified by the peace officer's employer for five percent
20 of the judgment or settlement or twenty-five thousand dollars, whichever is less. Notwithstanding any
21 provision of this section, if the peace officer's portion of the judgment is uncollectable from the peace officer,
22 the peace officer's employer shall satisfy the full amount of the judgment or settlement. A public entity is not
23 required to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct
24 from which the claim arises.

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

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

Action Taken _____ Date _____