

SECOND REGULAR SESSION

# HOUSE BILL NO. 1602

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BOSLEY.

3004H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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 known as section 506.450, to read as follows:

**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's 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's 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's 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 a peace officer 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's employer determines that the officer did not act upon a good faith and reasonable belief that the action was lawful, the peace officer**

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 **is 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.**

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