

1 **JOINT RESOLUTION SUPPORTING QUALIFIED**
2 **IMMUNITY**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution recognizes the doctrine of qualified immunity as a public benefit.

11 **Highlighted Provisions:**

12 This resolution:

- 13 ▶ recognizes that public safety workers are frequently required to make split-second
14 decisions in stressful circumstances with limited information;
- 15 ▶ affirms the doctrine of qualified immunity as a vital component of the law; and
- 16 ▶ calls upon public officials, including judges of the courts, to support the doctrine of
17 qualified immunity.

18 **Special Clauses:**

19 None

21 *Be it resolved by the Legislature of the state of Utah:*

22 WHEREAS, public safety workers serving the citizens of Utah's communities are
23 frequently required to make split-second decisions in moments where our officers and
24 firefighters step forward to risk their safety and their very lives;

25 WHEREAS, public safety workers, in order to protect others or act in self-defense,
26 make split-second life-and-death decisions in circumstances that are tense and uncertain,
27 without time to reflect or to formulate improper motives or ill intent;



28 WHEREAS, public safety workers, especially law enforcement officers, are duty-bound
29 to perform urgent, vital tasks that often require split-second decisions;

30 WHEREAS, few professions carry the expectation of perfect performance with no time
31 to consider a multitude of factors in the face of grave danger;

32 WHEREAS, qualified immunity is often misunderstood to protect only law
33 enforcement officers, and many errantly believe that qualified immunity protects law
34 enforcement officers from all consequences of their decisions;

35 WHEREAS, courts have applied qualified immunity to other professions besides law
36 enforcement officers, including public school teachers and firefighters;

37 WHEREAS, qualified immunity is not absolute immunity, which applies to legislators,
38 judges, and prosecutors when acting in their respective official capacities;

39 WHEREAS, qualified immunity applies to public safety workers in narrow and
40 well-defined circumstances;

41 WHEREAS, qualified immunity does not apply if the officer violated a clearly
42 established right;

43 WHEREAS, the clearly established right standard is appropriate as public safety
44 workers should not be forced to imagine abstract rights to specific circumstances for
45 split-second decisions without allowing for reasonable errors;

46 WHEREAS, public safety workers cannot be expected to be legal scholars or think
47 through legal arguments when attempting to protect the public during high-stakes situations;

48 WHEREAS, abrogating qualified immunity encourages unwarranted lawsuits against
49 public safety workers and political bodies, in which judges and juries are allowed to
50 second-guess split-second decisions with the luxury of hindsight and under vastly different
51 circumstances, such as the quiet of a courtroom;

52 WHEREAS, these lawsuits will lead to significant costs for the state, counties, cities,
53 public safety workers, and other public officials;

54 WHEREAS, ill-founded lawsuits grind against government agencies and public safety
55 workers at a time when the state of Utah and its political subdivisions struggle to employ those
56 willing to serve amid widespread misinformation and undue criticism of public safety workers;

57 WHEREAS, abrogating qualified immunity could lead public safety workers to hesitate
58 in circumstances where hesitation may result in the most dire of consequences, placing the

59 public and officers at great risk;

60 WHEREAS, abrogating qualified immunity places public safety workers in the
61 dilemma of making great sacrifice in no-win situations;

62 WHEREAS, abrogating qualified immunity encourages de-policing of our communities
63 and decreasing public safety and the quality of life;

64 WHEREAS, qualified immunity facilitates a fair and equitable legal system that allows
65 for reasonable errors and flawed human judgment; and

66 WHEREAS, qualified immunity emboldens public safety workers to demonstrate their
67 natural courage and willingness to sacrifice on behalf of the citizens of Utah:

68 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
69 considers qualified immunity to be in the best interests of the communities protected by Utah's
70 public safety workers.

71 BE IT FURTHER RESOLVED that the Legislature of the state of Utah calls upon
72 public officials, including judges of the courts, to support the doctrine of qualified immunity as
73 a vital component of the law.