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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1104

02/15/2021 Authored by Thompson, Hollins and Hassan The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; prohibiting immunity for peace officers; proposing coding
1.3 for new law in Minnesota Statutes, chapter 626.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 626.893 IMMUNITY PROHIBITED.

1.6 Subdivision 1. Civil liability. (a) Notwithstanding any law to the contrary, a peace
1.7 officer who, under color of law, subjects or causes to be subjected, including but not limited
1.8 to failing to intervene, another person to the deprivation of any rights, privileges, or
1.9 immunities granted to the person under the constitutions and laws of the United States and
1.10 this state, is liable to the injured party for compensatory damages, punitive damages, equitable
1.11 relief, or any other appropriate relief. If the plaintiff prevails in the action, in addition to
1.12 any monetary or injunctive relief, the court may award reasonable attorney fees and costs.
1.13 If the defendant prevails in the action, the court may award reasonable attorney fees and
1.14 costs if the court finds the claim to have been frivolous.

1.15 (b) Statutory immunities and statutory limitations on liability, damages, and attorney
1.16 fees shall not apply to claims brought under this subdivision. Qualified immunity is not a
1.17 defense to liability imposed under this subdivision.

1.18 (c) An action under this subdivision shall be commenced within two years after the cause
1.19 of action arises.

1.20 (d) Nothing in this subdivision shall prevent an aggrieved person from pursuing any
1.21 other cause of action available to that person for the conduct giving rise to a cause of action
1.22 under this subdivision.

2.1 Subd. 2. **Criminal liability.** Notwithstanding any law to the contrary, a peace officer
2.2 who, under color of law, subjects or causes to be subjected, including but not limited to
2.3 failing to intervene, another person to the deprivation of any rights, privileges, or immunities
2.4 granted to the person under the constitutions and laws of the United States and this state, is
2.5 not immune from criminal liability.

2.6 Subd. 3. **Definition.** For the purposes of this section, "peace officer" has the meaning
2.7 given in section 626.84, subdivision 1, paragraph (c).

2.8 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.9 applies to peace officer actions occurring on or after that date.