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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3105

03/17/2014 Authored by Simon and Lohmer

The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act
1.2 relating to civil actions; providing a right to punitive damages in certain cases;
1.3 clarifying a definition of government for purposes of certain types of civil actions;
1.4 amending Minnesota Statutes 2012, sections 554.01, subdivision 2; 604A.34.

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

1.6 Section 1. Minnesota Statutes 2012, section 554.01, subdivision 2, is amended to read:

1.7 Subd. 2. **Government.** "Government" includes a branch, department, agency,
1.8 official, employee, agent, or other person with authority to act on behalf of the federal
1.9 government, this state, or any political subdivision of this state, including municipalities
1.10 and their boards, commissions, and departments, ~~or~~ law enforcement agencies; and other
1.11 public authority authorities.

1.12 Sec. 2. Minnesota Statutes 2012, section 604A.34, is amended to read:

1.13 **604A.34 REPORTS OR ASSISTANCE REQUESTS TO LAW**
1.14 **ENFORCEMENT.**

1.15 (a) An individual who in good faith seeks assistance from, or reports apparent
1.16 unlawful conduct to, law enforcement is not liable for civil damages as a result of that
1.17 action. If an individual prevails in a civil action from which the individual has been
1.18 granted immunity by this section, the court shall award the individual actual damages,
1.19 plus reasonable attorney fees and costs. The court may also award the individual
1.20 punitive damages, if the court determines that the action was brought for the purpose of
1.21 harassment, to cause financial distress or other injury, or to interfere with the individual's
1.22 exercise of a right granted by law. A motion to amend the pleadings under section 549.191
1.23 is not required under this section, but a claim for punitive damages must meet all other

2.1 requirements of section 549.191. This section does not exempt individuals from their
2.2 professional obligations of confidentiality.

2.3 (b) For purposes of this section, an individual's actions are presumed to be in
2.4 good faith if the actions constitute public participation, as defined in section 554.01,
2.5 subdivision 6.

2.6 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
2.7 actions commenced on or after that date.