

Bill Summary
2nd Session of the 59th Legislature

Bill No.:	SB 1811
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Author:	Sen. Daniels
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Bill Analysis

SB 1811 provides that a government employer shall be liable for an injury caused by an act or omission of a government employee who violates a right under the Constitution of this state or the United States. The measure authorizes an individual aggrieved by such a violation to seek appropriate relief in court. The defendant in such an action shall be the employer not the employee. The employee may intervene as a third-party defendant. Such court actions shall not be subject to common law doctrines of immunity, federally-recognized doctrines of qualified immunity, sovereign immunity, or statutory immunities and limitations on liability or damages. Legislative and judicial actions shall not be subject to these provisions. A claim for such action must commence within 3 years of the alleged violation. The measure requires the court to consider certain circumstances. If the plaintiff succeeds, the government shall also be responsible for reasonable attorney fees and other litigation costs. Reasonable attorney fees and costs shall be awarded to a prevailing party if the court dismissed a frivolous claim. A court finding that the employee did violate the Constitutional rights of an individual shall be grounds for dismissal of the employee.

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