



March 19, 2023

**SUMMARY OF BILL:** Creates a civil right of action by an injured party against a law enforcement officer who, under color of law, subjects, or causes to be subjected, including failing to intervene as required by current law, another person to the deprivation of an individual right secured by the Tennessee Constitution. Authorizes the injured party to seek legal, equitable, and any other appropriate relief. Requires the court to award reasonable attorney fees and court costs to a plaintiff that prevails. Requires a law enforcement officer's employer to indemnify the officer for any liability incurred by the officer and for any judgment or settlement entered against the officer for claims arising pursuant to this legislation unless the officer's employer determines that the officer did not act upon a good faith and reasonable belief that the action was lawful. Establishes that in cases in which the officer's employer determines that the officer did not act upon such good faith the officer is personally liable for five percent of the judgment or settlement or \$25,000, whichever is less. Establishes that the law enforcement officer's employer is responsible for the full amount of the judgment if the officer's portion of the judgment is uncollectible from the officer.

**FISCAL IMPACT:**

**Other Fiscal Impact – A recurring increase in state and local expenditures of an unknown amount and timing related to legal defense for law enforcement agencies and monetary awards and fees judged against those agencies in such cases. \***

Assumptions:

- The proposed legislation is assumed to increase expenditures for state and local governments related to legal defense of the actions of law enforcement officers and agencies who are defendants in any such civil actions. There is assumed to be an additional increase in state and local expenditures related to any monetary awards and fees that are judged to be the responsibility of law enforcement agencies. Due to multiple unknown variables including when any such actions may be filed, the number of such actions and their potential outcomes, the precise fiscal impact is not known and cannot be reasonably estimated.
- Based on information provided by the Administrative Office of the Courts, any increase in caseload to the courts can be absorbed within existing judicial resources and is estimated to be not significant.

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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