

HOUSE BILL 1237

By Camper

AN ACT to amend Tennessee Code Annotated, Title 29
and Title 38, Chapter 8, relative to claims against
law enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following
as a new chapter:

29-42-101.

(a) Notwithstanding another law to the contrary, there is created 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 in § 38-8-
129, another person to the deprivation of an individual right secured by the Tennessee
Constitution. The injured party may seek legal, equitable, and any other appropriate
relief.

(b)

(1) Statutory immunities and statutory limitations on liability, damages, or
attorney fees do not apply to a claim brought pursuant to this chapter.

(2) The Tennessee Governmental Tort Liability Act, created in chapter 20
of this title, does not apply to a claim brought pursuant to this chapter.

(3) Sections 29-39-102 and 29-39-104 do not apply to a claim brought
pursuant to this chapter.

(c) Qualified immunity is not a defense to liability in a civil action brought
pursuant to this chapter.

(d)

(1) In an action brought pursuant to this chapter, the court shall award reasonable attorney fees and court costs to a plaintiff who prevails.

(2) In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation.

(3) When a judgment is entered in favor of a defendant, the court may award reasonable attorney fees and court costs to the defendant for a claim the court finds frivolous.

(e)

(1) Notwithstanding chapter 20 of this title, a law enforcement officer's employer shall indemnify the law enforcement officer for any liability incurred by the law enforcement officer and for any judgment or settlement entered against the law enforcement officer for claims arising pursuant to this section unless the law enforcement officer's employer determines that the officer did not act upon a good faith and reasonable belief that the action was lawful, in which case the law enforcement officer is personally liable and the law enforcement officer's employer shall not indemnify the law enforcement officer for five percent (5%) of the judgment or settlement or twenty-five thousand dollars (\$25,000), whichever is less.

(2) Notwithstanding subdivision (e)(1), if the law enforcement officer's portion of the judgment is uncollectible from the law enforcement officer, then the law enforcement officer's employer is responsible for the full amount of the judgment.

(f) A civil action brought pursuant to this chapter must be commenced within two (2) years of the date on which the injury occurred.

(g) As used in this chapter, "law enforcement officer" means a sheriff, sheriff's deputy, a deputy jailer, or any police officer employed, commissioned, or appointed by a municipality or political subdivision of this state whose primary responsibility is the prevention and detection of crime and the apprehension of offenders, as well as those whose responsibility is the supervision of those who have been charged with a criminal offense.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.