



## Oppose HB 2045 – Erosion of Qualified and Sovereign Immunity for Law Enforcement

Action needed before 11:00 AM - Wednesday, Jan. 27

VML is urging our members to contact their delegations and members of the House Courts of Justice, Civil subcommittee immediately (see below) to express opposition to [HB 2045 \(Bourne\)](#) which would erode qualified and sovereign immunity for law enforcement.

### Summary:

- [HB 2045 \(Bourne\)](#) creates a state civil cause of action for deprivation of any person's constitutional rights, privileges, or immunities by a law enforcement officer, including failure to intervene.
- The bill creates liability for the law enforcement officer and any public or private employer that employs or contracts with the law enforcement officer.
- This proposed legislation provides for compensatory damages, punitive damages, attorney's fees and other types of relief and penalties. The bill also provides for individual liability of up to \$25,000 for the law enforcement officer in certain situations.
- HB 2045 prohibits the use of both sovereign immunity and qualified immunity defenses and prohibits any limitation of liability or damages.
- This bill creates liability for hiring, supervision, training, retention and use of police officers. The resulting effect of HB 2045 is that it creates a cause of action for every action or interaction a law enforcement officer has.

### Concerns / Key Points:

- **Law Enforcement Hiring, Retention, and Training**
  - This would have a chilling effect on the hiring and retention of law enforcement/correctional officers.
  - It will be impossible to train for an unspecified standard of care.
- **Drastic Increases in Costs**

- Local Government would be vicariously liable for law enforcement and be subject to greater financial risk and increased frivolous litigation.
- Law enforcement officers would have personal liability.
- It will be extremely costly if not impossible to insure for this new unlimited liability.
- **Rippling Effects in the Community**
  - There would be a chilling effect on use of law enforcement for private or community events and businesses.
    - This includes private security at churches, high school sporting events, concerts, raceways, etc.
  - Substantial obstacle to the provision of needed public services.
    - In terms of officers doing their jobs, maintaining staffing #s, etc.
    - Officers will be less likely to initiate an encounter with a citizen because of the potential for personal liability.
  - Officers cannot be expected to be legal scholars or think through legal arguments when attempting to perform their duties.
- **Dramatic erosion of existing laws, which already provide the protections sought by these bills.**
  - Officers do not have absolute immunity, and they can be held liable when they violate a clearly established constitutional right.

[View/Download additional talking points and information here >](#)

### Action Requested:

- The subcommittee members (see below) need to hear from local officials on this issue.
- We urge local officials to contact to let them know that their locality opposes the erosion of qualified and sovereign immunity for law enforcement.
- It is important that legislators hear directly from local officials.

### Members of the House Courts of Justice, subcommittee: Civil

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|----------------------------------|----------------------------|----------------------------|
| ● <a href="#">Bourne (Chair)</a> | ● <a href="#">Sullivan</a> | ● <a href="#">Leftwich</a> |
| ● <a href="#">Hope</a>           | ● <a href="#">Heretick</a> | ● <a href="#">Miyares</a>  |
| ● <a href="#">Simon</a>          | ● <a href="#">Kilgore</a>  | ● <a href="#">Herring</a>  |

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