

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1446

To amend the Revised Statutes of the United States to promote equity and fairness in lawsuits brought against State and local law enforcement officers.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1995

Mr. MOORHEAD introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Revised Statutes of the United States to promote equity and fairness in lawsuits brought against State and local law enforcement officers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Law Enforcement Offi-  
5 cers Civil Liability Act of 1995”.

1 **SEC. 2. LAWSUITS BROUGHT AGAINST STATE AND LOCAL**  
2 **LAW ENFORCEMENT OFFICERS.**

3 (a) IN GENERAL.—Title XXIV of the Revised Stat-  
4 utes of the United States (42 U.S.C. 1981 et seq.) is  
5 amended by adding at the end the following:

6 “SEC. 1992. (a) In any civil action under Federal law  
7 against a law enforcement officer for conduct in the course  
8 of official duty, punitive damages shall not be awarded  
9 against that officer except to punish or deter conduct—

10 “(1) specifically intended unlawfully to cause  
11 serious personal injury; or

12 “(2) engaged in with flagrant indifference to  
13 the rights of the injured party and with an aware-  
14 ness that such conduct is likely to result in serious  
15 personal injury and is unlawful;

16 and shall not, if awarded, exceed \$10,000. Such punitive  
17 damages may not be awarded except on clear and convinc-  
18 ing evidence of conduct described in paragraph (1) or (2).  
19 The indemnification of any such officer, by any person or  
20 entity, for any punitive damages paid by that officer sub-  
21 ject to this section shall not in itself create any liability  
22 of that person or entity in any civil action.

23 “(b) In any civil action arising out of the conduct  
24 of a law enforcement officer in the course of official duty,  
25 in which—

26 “(1) there is a monetary recovery; and

1           “(2) attorney’s fees may be awarded under sec-  
2           tion 722 (42 U.S.C. 1988);  
3 the amount of attorney’s fees so awarded shall not exceed  
4 one third of such monetary recovery.

5           “(c) As used in this section—

6           “(1) the term ‘law enforcement officer’  
7           means—

8                   “(A) any peace officer;

9                   “(B) a prison or jail guard; or

10                   “(C) any corrections officer;

11           of a State or of any subdivision of a State;

12           “(2) the term ‘State’ includes the District of  
13           Columbia, Puerto Rico, and each other territory and  
14           possession of the United States; and

15           “(3) the term ‘official duty’ includes conduct by  
16           an off-duty law enforcement officer in circumstances  
17           indicating a law enforcement response.”.

18           (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of title XXIV of the Revised Statutes  
20 of the United States is amended by adding at the end the  
21 following:

“1992. Lawsuits brought against State and local law enforcement officers.”.

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