

1.1 A bill for an act
1.2 relating to civil liability; establishing the Minnesota Civil Remedies Act; prohibiting
1.3 immunity for government employee torts; proposing coding for new law in
1.4 Minnesota Statutes, chapter 604.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[604.191] TORTS BY GOVERNMENT EMPLOYEES; CIVIL LIABILITY.**

1.7 Subdivision 1. **Title.** This section shall be known as the "Minnesota Civil Remedies
1.8 Act."

1.9 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
1.10 meanings given.

1.11 (b) "Government" means the state, a county, a municipality, or other political subdivision
1.12 within the state. Government also means the federal government.

1.13 (c) "Government employee" means an individual employed or contracted by a government
1.14 employer.

1.15 (d) "Government employer" means an executive, legislative, or judicial agency,
1.16 department, board, commission, authority, institution, or instrumentality of a county,
1.17 municipality, or other political subdivision in this state. Government employer also means
1.18 any department, agency, or instrumentality of the federal government.

1.19 Subd. 3. **Civil liability.** (a) Notwithstanding any law to the contrary, a government
1.20 employee who, under color of law, deprives or causes to be deprived, including as a result
1.21 of a failure to intervene, another individual of any rights, privileges, or immunities granted
1.22 to the individual by the constitutions and laws of the United States and Minnesota is liable

2.1 to the injured party for compensatory damages, punitive damages, equitable relief, or any
2.2 other appropriate relief. If the plaintiff prevails in the action, in addition to any monetary
2.3 or injunctive relief, the court shall award reasonable attorney fees and costs.

2.4 (b) A government employee is liable under this section for conduct occurring on duty
2.5 or off duty if the employee was acting under color of law at the time of the conduct.

2.6 (c) Except as provided under paragraph (f), statutory immunities and statutory limitations
2.7 on liability, damages, and attorney fees do not apply to claims brought under this subdivision.

2.8 (d) Qualified immunity, official immunity, or sovereign immunity are not a defense to
2.9 liability imposed under this section.

2.10 (e) Nothing in this section abrogates immunity for judges, prosecutors, and legislators
2.11 at any level of government for actions taken in their judicial, prosecutorial, or legislative
2.12 capacities, respectively.

2.13 (f) The limitation in section 541.05 governs an action commenced under this section.

2.14 (g) Nothing in this section limits or preempts any federal cause of action or federal
2.15 jurisdiction under United States Code, title 42, section 1983, or any other federal law.

2.16 (h) Nothing in this section limits or preempts any other cause of action available for the
2.17 conduct giving rise to a cause of action under this subdivision. This section provides a
2.18 nonexclusive remedy and does not preclude legal action against any individual covered by
2.19 this section for conduct committed in any other capacity, including but not limited to actions
2.20 not taken under color of law.

2.21 (i) Government employees are prohibited from using this section to pursue a claim
2.22 arising from the individual's employment by the government employer.

2.23 (j) This section is remedial in nature and is to be liberally construed.

2.24 Subd. 4. **Severability.** The provisions of this section are severable. If any provision of
2.25 this section or its application is held invalid, that invalidity does not affect other provisions
2.26 or applications that can be given effect without the invalid provision or application.

2.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.28 applies to government employee actions occurring on or after that date.