

5791-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Kline, Sheahan, Patterson, McCaslin, Constantine, Johnson, Costa, Kohl-Welles, Deccio, Roach and Winsley)

Brief Description: Paying for certain actions and proceedings for damages brought against law enforcement officers.

SB 5791-S - DIGEST

(AS OF SENATE 2ND READING 2/01/02)

Provides that when a law enforcement officer makes a request for defense under this act, the determination under subsection (2) of this section as to whether or not the acts or omissions of the law enforcement officer were, or in good faith purported to be, within the scope of his or her official duties shall be made within sixty days. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the local governmental entity.

Provides that the legislative authority may revoke or rescind the granting of the request, and decline to pay further expenses if it finds, following the same procedure, that the acts or omissions of the officer, employee, or volunteer were not, or in good faith did not purport to be, within the scope of his or her official duties.

Provides that, when a law enforcement officer of the local governmental entity has been represented at the expense of the local governmental entity under this act and the court hearing the action has found that the law enforcement officer was acting within the scope of his or her official duties, and a judgment has been entered against the law enforcement officer under this chapter or 42 U.S.C. Sec. 1981 et seq., any monetary judgment against the law enforcement officer shall be paid by the legislative authority of the local governmental entity, and thereafter the judgment creditor shall seek satisfaction for damages only from the local governmental entity, and judgment for damages shall not become a lien upon any property of such law enforcement officer.