

SENATE, No. 3730

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 11, 2021

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Eliminates qualified immunity defense for law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning law enforcement and supplementing Title 59 of
2 the New Jersey Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Notwithstanding the provisions of the “New Jersey Tort
8 Claims Act,” N.J.S.59:1-1 et seq. or any other law to the contrary, a
9 law enforcement agency or officer shall not be entitled to a
10 qualified immunity defense.

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12 2. This act shall take effect immediately.

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15 STATEMENT

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17 This bill provides that a law enforcement agency or law
18 enforcement officer would not be entitled to a qualified immunity
19 defense in response to a cause of action.

20 Under the qualified immunity doctrine, government officials are
21 immune from civil liability when their conduct does not violate
22 clearly established statutory or constitutional rights of which a
23 reasonable person would have known. In determining whether a
24 government official is entitled to qualified immunity, a court is
25 required to inquire whether: (1) the facts, taken in the light most
26 favorable to the party asserting the injury show the officer s conduct
27 violated a constitutional right; and (2) that constitutional right was
28 clearly established at the time that defendant acted.

29 It is the sponsor’s intent to eliminate the qualified immunity
30 defense when it protects law enforcement officers from
31 accountability for wrongful activity.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.