

West's Colorado Revised Statutes Annotated
Title 13. Courts and Court Procedure
Damages and Limitations on Actions
Article 21. Damages (Refs & Annos)
Part 1. General Provisions (Refs & Annos)

C.R.S.A. § 13-21-131

§ 13-21-131. Civil action for deprivation of rights--definition

Effective: June 19, 2020

Currentness

(1) A peace officer, as defined in section 24-31-901(3), employed by a local government who, under color of law, subjects or causes to be subjected, including failing to intervene, any other person to the deprivation of any individual rights that create binding obligations on government actors secured by the bill of rights, article II of the state constitution, is liable to the injured party for legal or equitable relief or any other appropriate relief.

(2)(a) Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to claims brought pursuant to this section. The “Colorado Governmental Immunity Act”, article 10 of title 24, does not apply to claims brought pursuant to this section.

(b) Qualified immunity is not a defense to liability pursuant to this section.

(3) In any action brought pursuant to this section, a court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation. When a judgment is entered in favor of a defendant, the court may award reasonable costs and attorney fees to the defendant for defending any claims the court finds frivolous.

(4) Notwithstanding any other provision of law, a peace officer's employer shall indemnify its peace officers for any liability incurred by the peace officer and for any judgment or settlement entered against the peace officer for claims arising pursuant to this section; except that, if the peace officer's employer determines that the officer did not act upon a good faith and reasonable belief that the action was lawful, then the peace officer is personally liable and shall not be indemnified by the peace officer's employer for five percent of the judgment or settlement or twenty-five thousand dollars, whichever is less. Notwithstanding any provision of this section to the contrary, if the peace officer's portion of the judgment is uncollectible from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement. A public entity does not have to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises.

(5) A civil action pursuant to this section must be commenced within two years after the cause of action accrues.

Credits

Added by Laws 2020, Ch. 110 (S.B. 20-217), § 3, eff. June 19, 2020.

C. R. S. A. § 13-21-131, CO ST § 13-21-131
Current through all legislation of the 2020 Regular Session.

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