

State Law

Colorado is the first state to statutorily limit the use of qualified immunity as a defense in law enforcement cases at the state level. [SB 217](#) (2020) created a new civil action for deprivation of rights by law enforcement officers. The law specifically states that qualified immunity is not a defense and limits the applicability of the Colorado Governmental Immunity Act.

Successful plaintiffs are entitled to reasonable attorney fees and the jurisdiction employing the officer is required to indemnify its employee unless it determines the officer acted without a good faith and reasonable belief that his or her actions were lawful.

In that instance, the officer is personally liable for 5% of the judgment or \$25,000, whichever is less. In the event the officer is unable to pay, the jurisdiction is responsible for the entire judgment. Indemnification is not required if the officer is convicted of a crime arising from the same conduct.

Connecticut, via [HB 6004](#), also created a new state civil cause of action for people to seek recourse when an officer deprives them or a class of individuals of the equal protection or privileges and immunities of state law. The law also eliminates governmental immunity as a defense but does not explicitly address qualified immunity in the same way the Colorado law does.