

117TH CONGRESS
1ST SESSION

H. R. 1489

To permit vicarious liability claims against an employer of a person who, under color of law, subjects another to the deprivation of rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2021

Mr. COHEN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To permit vicarious liability claims against an employer of a person who, under color of law, subjects another to the deprivation of rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civil Rights Enhance-
5 ment and Law Enforcement Accountability Improvement
6 Act of 2021”.

7 **SEC. 2. VICARIOUS LIABILITY.**

8 Section 1979 of the Revised Statutes (42 U.S.C.
9 1983) is amended—

1 (1) by inserting “(a)” before “Every”; and

2 (2) by adding at the end the following:

3 “(b) In any action brought under subsection (a), the
4 employer of a law enforcement officer acting under color
5 of any law described in such subsection shall be vicariously
6 liable for the acts or omissions of the officer committed
7 within the scope of employment in the same manner and
8 to the same extent as a private employer is liable for the
9 negligent acts of its employee under the laws of the State,
10 Territory, or the District of Columbia. For purposes of
11 this subsection, a law enforcement officer acting under
12 color of law shall be deemed to be acting within the course
13 and scope of employment (regardless of whether the act
14 of the law enforcement officer was unconstitutional).

15 “(c) It shall not be a defense against any claim for
16 vicarious liability under subsection (b) that a law enforce-
17 ment officer has immunity in any action against the law
18 enforcement officer under subsection (a). Nothing in this
19 section shall be construed as limiting, providing, or ex-
20 tending any extant immunity to a law enforcement officer.

21 “(d) Nothing in this section shall be construed to pre-
22 clude liability under any other theory of law for depriva-
23 tions actionable under subsection (a) caused by a law en-

- 1 enforcement officer or an employer of such law enforcement
- 2 officer.”.

