

SB281\_L.008

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.SB17-281 be amended as follows:

1 Amend reengrossed bill, page 14, after line 11 insert:

2 "(III) GOVERNMENTAL IMMUNITY UNDER THIS SUBSECTION (1)(j)  
3 IS WAIVED ONLY FOR CLAIMS BROUGHT AGAINST A PUBLIC EMPLOYEE WHO  
4 IS AN ELECTED OFFICIAL WHO VOTED FOR THE CREATION OF A SANCTUARY  
5 JURISDICTION POLICY OR ALLOWED A SANCTUARY JURISDICTION POLICY TO  
6 REMAIN IN EFFECT. IF DAMAGES ARE AWARDED TO A VICTIM BASED UPON  
7 THIS SUBSECTION (1)(j), ALL OF THE ELECTED OFFICIALS IN OFFICE ON THE  
8 DATE THE CAUSE OF ACTION IS FILED AND WHO VOTED FOR THE CREATION  
9 OF A SANCTUARY JURISDICTION POLICY OR WHO ALLOWED A SANCTUARY  
10 JURISDICTION POLICY TO REMAIN IN EFFECT ARE JOINTLY AND SEVERALLY  
11 RESPONSIBLE FOR PAYING THE COMPENSATORY DAMAGES PAYABLE  
12 PURSUANT TO SECTION 24-10-114 TO THE VICTIM. NOTWITHSTANDING THE  
13 PROVISIONS OF SECTION 24-10-118, THE PUBLIC ENTITY FOR WHOM THE  
14 ELECTED OFFICIALS SERVE IS NOT RESPONSIBLE FOR THE COSTS OF LEGAL  
15 DEFENSE OF THE ELECTED OFFICIALS IN THE ACTION. IT SHALL BE AN  
16 AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT PURSUANT TO THIS  
17 SUBSECTION (1)(j) THAT AN ELECTED OFFICIAL VOTED AGAINST THE  
18 CREATION OR CONTINUATION OF THE SANCTUARY JURISDICTION POLICY OR  
19 ACTIVELY SOUGHT TO CHANGE THE SANCTUARY JURISDICTION POLICY  
20 ONCE HE OR SHE WAS ELECTED TO THE POSITION."

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