

Subject Cause of Action for Violation of Civil Rights

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Overview

This bill creates a cause of action for the violation of a right under the federal or state Constitution and requires state and local law enforcement agencies to have certain agreements with federal agencies prior to collaborating or partnering with those agencies.

Currently, federal law allows an individual to sue a state or local official if that official violates their Constitutional rights or a federal law, pursuant to the federal statute 42 U.S.C. § 1983. There is no state or federal statute that currently authorizes a suit against a federal official that violates an individual's rights under the Constitution, or the Minnesota Constitution. Lawsuits for torts against the federal government are generally governed by the Federal Tort Claims Act (28 U.S.C. §§ 2671–2680), which covers certain common-law tort actions, but does not provide a specific remedy for violations of rights and privileges under the Constitution.

Summary

Section	Description
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1	Action for violation of civil rights.
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Subd. 1. Cause of action. Provides a person with a cause of action against another person who is acting under the authority of law, either state or federal, when the person acting under the color of the law deprives them of their rights, privileges, or immunities in the U.S. Constitution or in the Minnesota State Constitution.

This subdivision provides that a person whose rights were violated can sue for damages, equitable relief, or other relief, and that attorney fees and costs are awarded to a prevailing plaintiff. This section provides a six-year statute of limitations for cases brought under this section.

Section **Description**

Subd. 2. Intergovernmental collaboration agreements. Requires a local or state law enforcement agency to obtain a written agreement with a federal government agency before entering into a voluntary collaboration, task force, or partnership that requires the federal agency to abide by the requirements of the U.S. Constitution and Minnesota State Constitution, and provides that the federal agencies officers and employees will be held liable for violations of the U.S. Constitution and Minnesota State Constitution consistent with the requirements of subdivision 1 in this section.

This bill would be effective the day following final enactment and would apply to cases pending or filed on or after the date of enactment.



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