

# **CITY of ALBUQUERQUE**

## **TWENTY FIFTH COUNCIL**

COUNCIL BILL NO. M-22-6 ENACTMENT NO. M-2022-004

SPONSORED BY: Louie Sanchez

1 MEMORIAL

2 ASKING THE NEW MEXICO LEGISLATURE TO REINSTATE QUALIFIED  
3 IMMUNITY.

4 WHEREAS, the New Mexico Legislature enacted HB 4 during its 2021  
5 legislative session, which prohibited the use of the defense of “qualified  
6 immunity” by police officers and other government actors; and

7 WHEREAS, the doctrine of qualified immunity generally helps protect law  
8 enforcement officers, and other government officials, from “individual”  
9 liability unless the individual knowingly violated a clearly established  
10 constitutional right; and

11 WHEREAS, New Mexico is in a significant minority of States (one of four)  
12 that has either ended or limited qualified immunity; and

13 WHEREAS, at the same time, cities throughout New Mexico are facing  
14 significant challenges in police officer recruitment and retention, and in  
15 general staffing recruitment and retention; and

16 WHEREAS, with qualified immunity reinstated, persons harmed by  
17 government actors will still have recourse against the government (as  
18 opposed to individuals) in the event that they have suffered a civil rights  
19 violation, or in the event that their claim falls outside of sovereign immunity  
20 protections; and

21 WHEREAS, to the extent that an individual claimant suffers a harm by a  
22 police officer or other government actor, while it may be appropriate to hold  
23 the governmental entity accountable, our police officers and government  
24 employees should remain immune from individual personal liability.

25 BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE  
26 CITY OF ALBUQUERQUE:

1       Section 1. The Albuquerque City Council urges the New Mexico Legislature  
2 to reinstate Qualified Immunity for police officers and government actors as  
3 soon as possible.

4       Section 2. The City Clerk is directed to transmit copies of this Memorial to  
5 the City of Albuquerque State Legislative Delegation.

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1 PASSED AND ADOPTED THIS 5<sup>th</sup> DAY OF December, 2022  
2 BY A VOTE OF: 5 FOR 4 AGAINST.

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4 For: Bassan, Grout, Jones, Lewis, and Sanchez

5 Against: Benton, Davis, Fiebelkorn, and Peña  
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12 Isaac Benton, President  
13 City Council  
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19 Bill No. M-22-6  
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26 ATTEST:

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29 Ethan Watson, City Clerk  
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