CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. M-22-6 ENACTMENT NO. M - 2022-004 SPONSORED BY: Louie Sanchez 1 **MEMORIAL** ASKING THE NEW MEXICO LEGISLATURE TO REINSTATE QUALIFIED 2 3 IMMUNITY. WHEREAS, the New Mexico Legislature enacted HB 4 during its 2021 4 legislative session, which prohibited the use of the defense of "qualified 5 immunity" by police officers and other government actors; and 6 WHEREAS, the doctrine of qualified immunity generally helps protect law 7 enforcement officers, and other government officials, from "individual" 8 liability unless the individual knowingly violated a clearly established 9 10 constitutional right; and 11 WHEREAS, New Mexico is in a significant minority of States (one of four) that has either ended or limited qualified immunity; and 12 13 WHEREAS, at the same time, cities throughout New Mexico are facing significant challenges in police officer recruitment and retention, and in 14 15 general staffing recruitment and retention; and WHEREAS, with qualified immunity reinstated, persons harmed by 16 government actors will still have recourse against the government (as 17 opposed to individuals) in the event that they have suffered a civil rights 18 violation, or in the event that their claim falls outside of sovereign immunity 19 20 protections; and WHEREAS, to the extent that an individual claimant suffers a harm by a 21 police officer or other government actor, while it may be appropriate to hold 22 the governmental entity accountable, our police officers and government 23 employees should remain immune from individual personal liability. 24 BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE 25

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CITY OF ALBUQUERQUE:

Section 1. The Albuquerque City Council urges the New Mexico Legislature to reinstate Qualified Immunity for police officers and government actors as soon as possible. Section 2. The City Clerk is directed to transmit copies of this Memorial to the City of Albuquerque State Legislative Delegation. X:\CL\SHARE\CL-Staff_Legislative Staff\Legislation\25 Council\M-6final.docx

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