



Legislation Text

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CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. M-22-6

ENACTMENT NO. _____

SPONSORED BY: Louie Sanchez

MEMORIAL

Asking The New Mexico Legislature To Reinstate Qualified Immunity (Sanchez)

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

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

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

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

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

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

BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE 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.

