“End Immunity for Politicians” Act

Be It Enacted by the People of the State of Oregon:

SECTION 1. The people of Oregon find that:
(1) A free democratic society necessitates independent oversight and accountability of elected officials;
(3) Examples of gross misconduct and corrupt politicians around the country, including in Pennsylvania, Illinois, New York, and other states, shows a need for stricter protections and accountability measures;
(4) State Legislators are uniquely situated to deprive people of their rights and their safety through broad Legislative actions;
(5) In order to ensure State Legislators and other public officials are thoughtful about exercising their authorities, Oregonians should have the ability to personally hold them to account.

Ending Immunity for Politicians

SECTION 2. (1) A member of the Legislative Assembly, an elected member of a City Council for a City with a population greater than 500,000, or a member of any board that has the authority to discipline public employees employed by a City with a population greater than 500,000, who, through their official duties, subjects or causes to be subjected any person to the deprivation of any individual rights that create binding obligations on government actors secured by Article I of the Oregon Constitution, or the United States Constitution, is liable to the injured party for legal or equitable relief or any other appropriate relief.
(2) Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to claims brought pursuant to this section.
(3) Neither sovereign, absolute, nor qualified immunity is a defense to liability pursuant to this section. Any such privileges and immunities are hereby waived.

SECTION 3. In any action brought pursuant to Section 2 of this Act:
(1) A court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff’s suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation.
(2) When a judgment is entered in favor of a defendant, the court may award reasonable costs and attorney fees to the defendant for defending any claims the court finds frivolous.
(3) If a defendant’s portion of judgment is uncollectable from the defendant and the defendant is an elected official, the jurisdiction represented by the defendant or its insurance shall satisfy the full amount of the judgment or settlement.

SECTION 4. A civil action pursuant to Section 2 of this Act must be commenced within 3 years after the cause of action accrues.