

HOUSE RESOLUTION NO.128

Reps. Steckloff, Yancey, Aiyash, Hood, Scott, O'Neal, Stone, Neeley, Hertel, Sowerby, Brixie, Brabec, Brenda Carter, Thanedar, Weiss, Rabhi, Young and Jones offered the following resolution:

1 A resolution to urge the Congress of the United States to
2 abolish qualified immunity for law enforcement officers.

3 Whereas, The United States Constitution guarantees the rights
4 of Americans to due process, equal protection under the law,
5 protection from unreasonable searches and seizures, and petitioning
6 the government for the redress of grievances; and

7 Whereas, To protect citizens from government officials,
8 including police officers, who violate these rights, Congress
9 authorized individuals to sue state officials who have violated
10 their civil rights, as codified in 42 USC 1983; and

1 Whereas, Public outcry has arisen in every state in the nation
2 over incidents in which police have injured or killed people,
3 especially people of color, in situations where force does not
4 appear justified; and

5 Whereas, Police brutality, including excessive and
6 unreasonable use of force, possibly causing injury or death,
7 violates an individual's constitutional rights. Section 1983
8 provides an avenue for relief to victims whose constitutional
9 rights have been violated by a law enforcement officer; and

10 Whereas, The current wording of Section 1983 is susceptible to
11 the judicial interpretation that plaintiffs must demonstrate that a
12 "clearly established" constitutional right has been violated,
13 requiring a victim to identify court cases with nearly identical
14 facts in which a police practice was determined to be a
15 constitutional violation. If a victim cannot meet this burden, the
16 officer receives "qualified immunity", a judicially created
17 doctrine that protects government employees while depriving victims
18 of compensation for the violation of their rights; and

19 Whereas, Qualified immunity protects abusive law enforcement
20 officers from any legal repercussions resulting from inappropriate
21 and extreme violence against civilians, reinforcing patterns of
22 institutionalized racism and undermining public confidence in the
23 rule of law. Many Americans believe that justice for victims of
24 police abuses and accountability for police officers is not
25 available through the courts because of the doctrine of qualified
26 immunity, leading to civil unrest; and

27 Whereas, H.R. 1470, the Ending Qualified Immunity Act, was
28 introduced in the United States Congress in March 2021. This act
29 would eliminate the defense of qualified immunity in civil actions

1 for deprivation of rights; now, therefore, be it

2 Resolved by the House of Representatives, That we urge the
3 Congress of the United States to abolish qualified immunity for law
4 enforcement officers under 42 USC 1983 to reduce the burden on
5 plaintiffs in cases against law enforcement officers who have
6 violated an individual's constitutional rights; and be it further

7 Resolved, That copies of this resolution be transmitted to the
8 President of the United States Senate, the Speaker of the United
9 States House of Representatives, members of the Michigan
10 congressional delegation, and the justices of the Supreme Court of
11 the United States.