

CB 120105 PROPOSED AMENDMENT 1

Amendment Name: Right of action availability

Sponsor: Councilmember Sawant

Effects Statement: This amendment would make the right of private action available to anyone impacted by the Police violating provisions of this Council Bill.

Proposed Amendment:

Modify subsection 3.28.146.H as follows:

((E)) H. A person shall have a right of action against the City for physical or emotional injuries proximately caused by the use of ((crowd control)) less lethal weapons in violation of this Section 3.28.146 ((for crowd dispersal)) ~~that occur in a gathering that is not a violent public disturbance~~ after this ordinance takes effect. ~~A person who, in the judgment of a reasonable person, commits a criminal offense at or immediately prior to the use of less lethal force may not recover under this Section 3.28.146.~~