

BASE BILL PROPOSED AMENDMENT 4b1

Amendment Name: Private Right of Action with Criminal Offense Exception

Sponsor: Councilmember Sawant

Effects Statement: Provides a private right of action for any physical or emotional injuries caused by the use of less lethal weapons in violation of Section 3.28.146. The right of action is not available to 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.

Proposed Amendment:

Modify subsection 2.F as follows:

F. A person shall have a right of action against the City for physical or emotional injuries proximately caused by the use of less lethal weapons prohibited by this Section 3.28.146 that occur ~~((in a non-violent demonstration or rally))~~ 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.