

CB 120105 PROPOSED AMENDMENT 2

Amendment Name: Right of action during a violent public disturbance

Sponsor: Councilmember Herbold

Effects Statement: This amendment would make the right of private action available to persons impacted by the Police violating provisions of this Council Bill at any time, including during a violent public disturbance.

Proposed Amendment:

Modify Section 1H 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.