

By: Representative Dixon

To: Judiciary B

HOUSE BILL NO. 1152

1 AN ACT TO AMEND SECTION 11-46-15, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE LIABILITY LIMITATIONS FOR A GOVERNMENTAL
3 ENTITY SHALL NOT APPLY WHEN A LAW ENFORCEMENT OFFICER SHOOTS ANY
4 PERSON IN HIS OR HER BACK AND THE PERSON DIES FROM THE INJURY
5 CAUSED BY SUCH SHOOTING; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 11-46-15, Mississippi Code of 1972, is
8 amended as follows:

9 11-46-15. (1) In any claim or suit for damages against a
10 governmental entity or its employee brought under the provisions
11 of this chapter, the liability shall not exceed the following for
12 all claims arising out of a single occurrence for all damages
13 permitted under this chapter:

14 (a) For claims or causes of action arising from acts or
15 omissions occurring on or after July 1, 1993, but before July 1,
16 1997, the sum of Fifty Thousand Dollars (\$50,000.00);

17 (b) For claims or causes of action arising from acts or
18 omissions occurring on or after July 1, 1997, but before July 1,
19 2001, the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00);



20 (c) For claims or causes of action arising from acts or
21 omissions occurring on or after July 1, 2001, the sum of Five
22 Hundred Thousand Dollars (\$500,000.00).

23 (2) No judgment against a governmental entity or its
24 employee for any act or omission for which immunity is waived
25 under this chapter shall include an award for exemplary or
26 punitive damages or for interest prior to judgment, or an award of
27 attorney's fees unless attorney's fees are specifically authorized
28 by law.

29 (3) Except as otherwise provided in Section 11-46-17(4), in
30 any suit brought under the provisions of this chapter, if the
31 verdict which is returned, when added to costs and any attorney's
32 fees authorized by law, would exceed the maximum dollar amount of
33 liability provided in subsection (1) of this section, the court
34 shall reduce the verdict accordingly and enter judgment in an
35 amount not to exceed the maximum dollar amount of liability
36 provided in subsection (1) of this section.

37 (4) The provisions of this section shall not apply when a
38 law enforcement officer shoots any person in his or her back and
39 the person dies from the injury caused by such shooting.

40 **SECTION 2.** This act shall take effect and be in force from
41 and after July 1, 2013.

