

DISTRICT OFFICE  
163 LENOX AVENUE, UNIT 5B  
NEW YORK, NY 11223  
TEL: 212-678-4505

CITY HALL OFFICE  
250 BROADWAY, SUITE 1776  
NEW YORK, NY 10007  
TEL: 212-788-7397

E-MAIL: [YSALAAM@COUNCIL.NYC.GOV](mailto:YSALAAM@COUNCIL.NYC.GOV)



THE COUNCIL  
OF

THE CITY OF NEW YORK

**Yusef Salaam**

COUNCIL MEMBER, 9<sup>th</sup> DISTRICT, MANHATTAN

CHAIR  
COMMITTEE ON PUBLIC SAFETY

MEMBERSHIP  
COMMITTEE ON AGING  
COMMITTEE ON CIVIL SERVICE AND LABOR  
COMMITTEE ON FINANCE  
SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS,  
AND DISPOSITIONS  
SUBCOMMITTEE ON ZONING AND FRANCHISES

## Summary of Res. 0645-2024: Supporting State Legislation to End Qualified Immunity (S.182A / A.710)

### Purpose:

This resolution urges the New York State Legislature to pass, and the Governor to sign, **S.182A/A.710**, which would **eliminate qualified immunity** as a legal defense and establish a **state-level civil right of action** for individuals whose constitutional rights have been violated by public officials.

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### Key Points:

#### 1. *Qualified Immunity – The Problem:*

- **Qualified immunity** is a judicial doctrine that shields public officials (including police) from civil lawsuits unless a plaintiff can show that the official violated a “clearly established” constitutional right under nearly identical circumstances.
- This **high legal bar** has made it extremely difficult for victims of police misconduct and other rights violations to seek accountability in civil court.

#### 2. *Proposed State Legislation (S.182A/A.710):*

- **Ends qualified immunity** as a defense in New York State civil actions.
- Creates a **state-level civil right of action** for constitutional rights violations by public officials.
- Allows the **Attorney General** to file suit on behalf of the state and/or the injured party.
- Allows the **individual** to pursue their own claim even if the Attorney General acts.
- Requires claims to be brought within **three years** of the incident.

#### 3. *Why the City Council Supports It:*

- Promotes **accountability** and **trust** in public institutions.
- Ensures **victims of state violence** and civil rights violations have a meaningful path to justice.
- Reinforces the principle that **no one is above the law**, including government officials.

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### Sponsors:

Council Member Yusef Salaam and 12 co-sponsors.

### Legislative Status:

Currently in **committee** as of November 13, 2024; **not yet adopted** by the full City Council.