

HOUSE BILL NO. 1138

Introduced by

Representatives Kading, Becker, Lefor, D. Ruby, Schatz, Schauer

Senators Heitkamp, O. Larsen, Myrdal

1 A BILL for an Act to provide for a civil action against the state or a political subdivision for a state
2 constitutional free speech violation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.**

5 **Cause of action against state or political subdivision for state constitutional**
6 **violation.**

7 Notwithstanding any other provision of law, an individual may bring a civil action in district
8 court against the state, a political subdivision, or an employee of the state or a political
9 subdivision acting within the employee's scope of employment, for a violation of section 4 of
10 article I of the Constitution of North Dakota. The state or political subdivision is liable for treble
11 damages for compensatory, consequential, and incidental damages. The court also may award
12 punitive damages. The standard to award punitive damages is mere negligence.