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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide a civil remedy for individuals harmed in lawless jurisdictions,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BUDD introduced the following bill; which was referred to the Committee
on _____

A BILL

To provide a civil remedy for individuals harmed in lawless
jurisdictions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Victims
5 of Lawless Cities Act of 2020”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “lawless jurisdiction” means a
8 designated area in a State or political subdivision of a
9 State, which State or political subdivision has a statute,

1 ordinance, policy, or practice in effect that, despite ongo-
2 ing danger to individuals or property, allows any entity
3 or official of the State or political subdivision of the State
4 to, in such designated area, purposefully—

5 (1) refuse to provide police, fire, or emergency
6 medical services to 1 or more individuals in the
7 State or political subdivision of the State; or

8 (2) abdicate the reserved powers of the State or
9 political subdivision of the State, to be performed by
10 non-governmental actors in a manner that is detri-
11 mental to the health, safety, and welfare of the citi-
12 zens of the State or political subdivision of the
13 State.

14 **SEC. 3. CIVIL ACTION FOR HARM IN A LAWLESS JURISDIC-**
15 **TION.**

16 (a) PRIVATE RIGHT OF ACTION.—

17 (1) CAUSE OF ACTION.—Any individual, or a
18 spouse, parent, or child of such individual (if the in-
19 dividual is deceased or permanently incapacitated),
20 who is the victim of a murder, rape, or any felony
21 (as defined by the State) which occurred in a lawless
22 jurisdiction may bring an action for compensatory
23 damages against a State or a political subdivision of
24 a State in the appropriate Federal or State court.

1 (2) BURDEN OF PROOF.—In an action under
2 paragraph (1), the court shall find in favor of the
3 plaintiff if the plaintiff shows by a preponderance of
4 the evidence that the harm described in paragraph
5 (1) occurred in a lawless jurisdiction located in the
6 State or political subdivision of a State.

7 (3) STATUTE OF LIMITATIONS.—An action
8 brought under this subsection may not be brought
9 later than 10 years after the occurrence of the
10 crime, or death of a person as a result of such
11 crime, whichever occurs later.

12 (4) ATTORNEY'S FEE AND OTHER COSTS.—In
13 any action or proceeding under this subsection the
14 court shall allow a prevailing plaintiff a reasonable
15 attorney's fee as part of the costs, and include ex-
16 pert fees as part of the attorney's fee.

17 (5) RULE OF CONSTRUCTION.—In the case of
18 an entity that is harmed as a result of a felony (as
19 defined by the State) which occurred in a lawless ju-
20 risdiction, the owner of the entity may bring an ac-
21 tion under paragraph (1).

22 (b) WAIVER OF IMMUNITY.—

23 (1) IN GENERAL.—Any State or political sub-
24 division of a State that accepts a grant described in
25 paragraph (2) from the Federal Government shall

1 agree, as a condition of receiving such grant, to
2 waive any immunity of such State or political sub-
3 division relating to a civil action described in sub-
4 section (a).

5 (2) GRANTS DESCRIBED.—The grants described
6 in this paragraph are—

7 (A) a grant for public works and economic
8 development under section 201(a) of the Public
9 Works and Economic Development Act of 1965
10 (42 U.S.C. 3141(a));

11 (B) a grant for planning and administra-
12 tive expenses under section 203(a) of such Act
13 (42 U.S.C. 3143(a));

14 (C) a supplemental grant under section
15 205(b) of such Act (42 U.S.C. 3145(b));

16 (D) a grant for training, research, and
17 technical assistance under section 207(a) of
18 such Act (42 U.S.C. 3147(a)); and

19 (E) except as provided in paragraph (3), a
20 community development block grant made pur-
21 suant to title I of the Housing and Community
22 Development Act of 1974 (42 U.S.C. 5301 et
23 seq.).

24 (3) EXCEPTION.—Grants described in para-
25 graph (2)(E) shall not include any disaster relief

1 grants to address the damage in an area for which
2 the President has declared a disaster under title IV
3 of the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5170 et seq.).