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## **OLR BILL ANALYSIS**

**sSB 263**

### ***AN ACT CONCERNING LIABILITY OF ZONING ENFORCEMENT OFFICERS.***

#### **SUMMARY:**

This bill eliminates the penalty of triple damages that, under current law, a zoning enforcement official must pay when a court finds that the official levied a fine frivolously or without probable cause against a property owner. By eliminating this penalty, the bill subjects a zoning enforcement official to the same liability as other municipal officials and employees.

EFFECTIVE DATE: October 1, 2012

#### **BACKGROUND**

##### ***Municipal Officials' and Employees' Liability and Indemnification***

Both statutory and case law provide municipal officials and employees with immunity in various circumstances (e.g., CGS § 52-557n).

Additionally, the law requires each municipality to indemnify municipal officials and employees from financial loss and expense, including legal fees and costs, arising from negligence or infringement of civil rights by the official or employee while acting in the discharge of his or her duties (CGS § 7-101a(a)).

The law also requires each municipality to indemnify municipal officials and employees from financial loss and expense, including legal fees and costs arising out of alleged malicious, wanton, or willful acts, or any act beyond the scope of their authority while acting in the discharge of their duties. But an official or employee who has a judgment entered against him or her for a malicious, wanton, or willful act must reimburse the municipality for expenses it incurred in

providing such defense and the municipality may not be held liable to such official or employee for any financial loss or expense resulting from such an act (CGS § 7-101a(b)).

The law authorizes each municipality to insure against the duty to indemnify or elect to self-insure such liability (CGS § 7-101 a(c)).

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/07/2012)