

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 12-47—sSB 263**

*Planning and Development Committee*

*Judiciary Committee*

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

**SUMMARY:** This act eliminates the penalty of triple damages that, under prior law, a zoning enforcement official had to pay when a court found that the official levied a fine frivolously or without probable cause against a property owner. By eliminating this penalty, the act 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*

The law provides municipal officials and employees with immunity in various circumstances and requires each municipality to indemnify them from financial loss and expense, including legal fees and costs, arising from a claim, demand, suit, or judgment of alleged 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 found guilty of 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)).

OLR Tracking: JRH:MJ:PF:ts:eh