

Senator **Mark B. Madsen** proposes the following amendments:

1. *Page 3, Lines 68 through 69*
Senate Committee Amendments
2-6-2008:

68 entity on whose behalf the individual is acting or purporting to act, or both the individual and
69 the governmental entity. _

(5)(a) A law enforcement officer shall not be subject to disciplinary action for refusing to confiscate a firearm under this section if:

(i) ordered or directed to do so by a superior officer; and

(ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.

(b) For purposes of this Subsection (5), disciplinary action might include:

(i) dismissal, suspension, or demotion;

(ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and

(iii) any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.

(6)(a) If a law enforcement officer commits a violation of this section, the officer's liability in an action brought under Subsection (4)(a) is limited to five percent of the damages and civil penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing evidence that the officer was obeying a direct and unlawful order from a superior officer or authority.

(b) The balance of the damages and civil penalty, the remaining 95 percent, shall be assessed against the superior officer or authority who ordered or directed the confiscation in violation of this section.