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AB 2634: Clarification of remedies under Bane Act

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California's Bane Act provides that when an individual's rights are interfered with by threats, intimidation or coercion, he or she may file a civil action for damages, injunctive relief, and "other appropriate equitable relief." Assembly Bill 2634, signed by Gov. Jerry Brown in August 2014, adds — or at least clarifies — private remedies available under the Bane Act. The bill provides, in addition to other relief available, an individual may now obtain "appropriate equitable and declaratory relief to eliminate a pattern or practice" of prohibited conduct. AB 2634 is effective as of Jan. 1, 2015.

With this amendment, the Bane Act unambiguously authorizes individuals to obtain an order to eliminate a pattern of interference with protected rights. The amendment provides individual litigants authority, already explicitly vested in the attorney general, to bring civil rights actions for equitable and declaratory relief. By explicitly providing such relief in private suits, AB 2634 may harness private lawsuits to generate protective orders aimed to protect the general public.

The bill could hardly be timelier. The Bane Act is a frequent basis for relief in excessive force cases. As deadly confrontations with police capture national headlines, AB 2634 modifies the Bane Act to expressly authorize broad relief against illegal patterns and practices. The amendment may cause an increase of excessive force lawsuits seeking not only compensatory damages, but institutional change.

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