

State Action and Sovereign Immunity

* State action refers to when a state actor (employee) commits an illegal act while working the duties of the state employment position. A classic example is police brutality.

* Sovereign Immunity provides states protection from lawsuits. The origins are found in Article 3, Section 2 of the Constitution and emanating from the 11th Amendment. States elect themselves to allowed to be sued....and they enumerate what the ceiling of the damages recovered are and what crimes/torts can be recovered on.