

Governmental Accountability Claims Act 2024

This bill takes inspiration from the US Federal Tort Claims Act and 42 U.S.C. 1983. Conceptualized and originally drafted as the Federal Protections Claims Act 2022 by BelugaWhaleMan9.

Article 1 - Scope of Rights Included

1. Any “rights” mentioned in this document refer to rights of citizens protected under the Constitution of SimDemocracy and any right given to all citizens, or a group of citizens, in a law passed by the Senate.

Article 2 - Claims Process

1. A Federal Protections Claim must be filed directly to the Department of Justice by a citizen or group of citizens of SimDemocracy.
 - a. The Claim must include:
 - i. The name(s) of the citizen(s) whose rights have been violated;
 - ii. The right(s) which have been violated;
 - iii. The government employee(s) or governmental body to have violated the aforementioned rights;
 - iv. The name of the specific person submitting the Claim;
 - v. The date(s) on which the incident(s) took place;
 - vi. Any evidence the claimant(s) wish to provide.
2. The Department of Justice shall be responsible for the investigation of the claims made within the Claim.
 - a. If the Department of Justice is the governmental body which the Claim is being filed against, the investigation shall be conducted by the Senate instead, with all procedures listed below being conducted by the Senate instead of the Department of Justice, as written.
 - b. If the removal of the official(s) in question from office is constitutionally prohibited through the processes below, the governmental body with the authority to remove said official(s) from office shall conduct the investigation instead, with the scope of the remedy decided upon not otherwise limited by this bill.
 - c. The Department of Justice may reject a Claim upon initial review of its merit and the merit of the claims included within; however, any Claim that has 3 or more signatories supporting the Claim must be fully investigated by the Department of Justice.
 - i. A signatory can be any citizen of SimDemocracy.
 - ii. Any citizen of SimDemocracy may become a signatory to any Claim filed, as long as they are doing so of their own free will.

3. The Department of Justice will have a 7-day period to review the Claim submitted, conduct their own investigation, and reach a decision as to whether the Claim has merit.
 - a. If the Claim is against an individual or multiple individual government employees, the employees deemed to have violated the rights of the individual or group filing the Claim shall be, with consideration to the severity of the incident:
 - i. Suspended from their position for a set amount of time, as determined by the Department of Justice; OR:
 - ii. In the case of egregious violations, removed from their position(s) with immediate effect.
 - iii. A ban from holding office, or certain specific positions, for a period of time not exceeding 3 months may also be applied concurrently with the previous remedies.
 - b. Any suspension or removal applied to an elected official, as opposed to an appointed one, must be approved by the Supreme Court through a simple majority vote of its Justices.
 - c. If the Claim is against a governmental body as a whole, the Supreme Court shall decide the remedy.
 - d. Any party involved in this process shall maintain the right to appeal this decision to the court system. This Act shall not be construed as the final or only legal means of appealing governmental action.
 - i. The Department of Justice must, when issuing its judgment, instruct all parties that they have the right to appeal the result to the court.
 - ii. If an appeal is submitted to the courts, the appellant must submit their reasoning for such an appeal. Any other parties may also submit a written argument in support of or against the appeal.
 1. The court may choose to accept or deny such an appeal. In the case that the court chooses to accept the appeal, the Claim shall be ruled on by the court through processes of their own choosing.
 - a. The court may name any remedy otherwise compliant with the law, including sentencing under relevant sections of the Criminal Code, and is not limited to remedies suggested within this Act.
 2. If no specific procedures for the aforementioned processes have been determined by law, the Supreme Court shall have the authority to determine the procedures for such processes.
4. The Claim shall be considered to have merit so long as:
 - a. The right(s) named within the Claim were intentionally or unintentionally violated;
 - b. The government employee(s) or governmental body named within the Claim were:
 - i. Aware of the violation(s) and failed to take reasonable actions to prevent the violation(s); OR:
 - ii. Aware of the violation(s) and failed to report the instance to the relevant authorities; OR:
 - iii. Took part in or caused the violation(s), intentionally or unintentionally; OR:

- iv. Unaware of the violation(s) due to their own negligence; OR:
 - v. Either aware or unaware of the violation(s) but failed to prevent them due to incompetence.
- c. The government employee(s) or governmental body named within the Claim, in addition to fulfilling at least one of the criteria above:
 - i. Were carrying out or performing their official duty; OR:
 - ii. Were acting in an official capacity; OR:
 - iii. Used powers granted to them under or associated with their governmental position(s); OR:
 - iv. Pretended to do any of the above; OR:
 - v. Failed to perform their duty knowingly; OR:
 - vi. Failed to perform their duty unknowingly due to their own negligence; OR:
 - vii. Created a situation that caused themselves or other employee(s) to be unable or unlikely to perform their duty.