



SENATE BILL 26-001

BY SENATOR(S) Virgil Murillo, Albert Petty

also REPRESENTATIVE(S) Howard Ballard, Jamie Barnes, Julia Willis, Emma Enriquez

AMENDING THE STATUTES CONCERNING STATE COURT REMEDIES FOR VIOLATIONS OF FEDERAL CONSTITUTIONAL RIGHTS OCCURRING DURING CIVIL IMMIGRATION ENFORCEMENT.

Be it Enacted by the General Assembly in the State of San Andreas,

TITLE	13	Of the San Andreas Revised Statutes "S.A.R.S"
ARTICLE	20	Of the San Andreas Revised Statutes "S.A.R.S"
SECTION	1401	Of the San Andreas Revised Statutes "S.A.R.S"

BILL DESCRIPTION:

SECTION 1. SHORT TITLE

This act shall be known and cited as the "Immigration Enforcement Accountability Act".

SECTION 2. LEGISLATIVE DECLARATION

(a) The General Assembly finds and declares that:

(I) Since the founding of the United States, courts have recognized that federal officials may be held liable for violations of federal law and constitutional rights, including in *Little v. Barreme* and *Murray v. The Charming Betsey*;

(II) The United States Supreme Court has long held that federal officers and employees are not categorically immune from the operation of state law solely by virtue of their federal employment, including liability under state civil and criminal law where applicable;

(III) The Supreme Court has repeatedly recognized that, in suits for damages arising from abuses of power, federal officials are ordinarily governed by local law, and that state courts provide an appropriate forum for such claims;

(IV) When the Supreme Court recognized a federal judicial remedy for certain constitutional violations in *Bivens v. Six Unknown Named Agents*, that remedy was understood to supplement, not displace, traditional state-law causes of action;

(V) Congress has expressly preserved the availability of civil actions for violations of the United States Constitution against federal employees, notwithstanding statutory limitations on other tort remedies;

(VI) In *Egbert v. Boule*, the Supreme Court emphasized that legislatures, rather than courts, are better suited to determine whether and how damages remedies should be provided for constitutional violations;

(VII) In *Martin v. United States*, the Supreme Court declined to extend supremacy-clause immunity beyond its traditional criminal-law context;

(VIII) Violations of the constitutional rights of persons within the United States are neither “necessary” nor “proper” to the execution of federal powers; and

(IX) The State of San Andreas, as a sovereign state, possesses the authority and responsibility to provide remedies in its courts for violations of federal constitutional rights occurring within its jurisdiction, consistent with the United States Constitution.

SECTION 3. AMENDMENT TO THE REVISED STATUTES

In the San Andreas Revised Statutes, add Section 13-20-1401 as follows:

13-20-1401. Civil action for violation of constitutional rights during civil immigration enforcement — relief — attorney fees — immunity — statute of limitations — definitions.

(a) Cause of action: A person who is injured during civil immigration enforcement by another person who, whether or not acting under color of law, violates the United States Constitution while participating in civil immigration enforcement may bring a civil action against the other person. A person found to have violated the United States Constitution while participating in civil immigration enforcement is liable to the injured person for legal relief, equitable relief, or any other appropriate relief.

(b) Attorney fees and costs: In an action brought pursuant to this section, a court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions seeking injunctive or declaratory relief, a plaintiff shall be deemed to have prevailed if the action was a substantial factor or significant catalyst in obtaining the relief sought.

(c) When judgment is entered in favor of a defendant, the court may award reasonable attorney fees and costs only for claims the court finds to be frivolous or brought in bad faith.

(d) Immunity not applicable: To the maximum extent permissible under the United States Constitution, no grant of immunity shall bar an action brought pursuant to this section, including but not limited to:

(I) Sovereign immunity;

(II) Official immunity;

(III) Intergovernmental immunity;

(IV) Qualified immunity;

(V) Supremacy Clause immunity;

(VI) Statutory immunity, including the San Andreas Governmental Immunity Act; or

(VII) Any common-law immunity.

(e) Definitions. As used in this section, unless the context otherwise requires:

- (I) “Civil immigration enforcement” means an action taken to investigate, question, detain, transfer, or arrest a person for the purpose of enforcing federal civil immigration law.
- (II) “Civil immigration enforcement” does not include actions taken by a peace officer acting within the scope of the officer’s lawful duties and in compliance with state law.
- (III) Statute of limitations: An action brought pursuant to this section must be commenced within two years after the cause of action accrues.

**SECTION 4. IN THE SAN ANDREAS REVISED STATUTES, SECTION 13-80-102, ADD A
NEW SUBSECTION TO READ:**

13-80-102. General limitation of actions — two years.

An action alleging a violation of constitutional rights during civil immigration enforcement brought pursuant to Section 13-20-1401 must be commenced within two years after the cause of action accrues.

SECTION 5. SAFETY CLAUSE - EFFECTIVE DATE

The General Assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety, therefore this act shall take effect immediately after being signed into law by the Governor.

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Benjamin Harrison
PRESIDENT OF THE SENATE

Brooklynn Suarez
SPEAKER OF THE HOUSE OF
REPRESENTATIVES

Chelsea J. Martinelli
SECRETARY OF THE SENATE

Mary T. Aronson
CLERK OF THE HOUSE OF
REPRESENTATIVES

Isabel R. Payne
GOVERNOR OF THE STATE OF SAN ANDREAS

APPROVED

(Date and Time)

