

Digest: Immigration Enforcement Accountability Act (Senate Bill 26-001)

Executive Summary

Senate Bill 26-001, titled the "Immigration Enforcement Accountability Act," establishes a civil cause of action within the State of San Andreas for individuals whose United States Constitutional rights are violated during civil immigration enforcement. The legislation aims to provide state court remedies for abuses of power, asserting that federal officials are not categorically immune from state law. Key features of the act include the explicit stripping of various forms of immunity (such as qualified and sovereign immunity) to the maximum extent permitted by the U.S. Constitution, the mandate for awarding attorney fees to prevailing plaintiffs, and a two-year statute of limitations. The act is positioned as an exercise of sovereign state authority to ensure federal powers are executed within constitutional bounds.

Legislative Context and Declarations

The General Assembly of San Andreas bases the legality and necessity of this act on a series of historical judicial precedents and constitutional interpretations. The legislative declaration emphasizes that federal employment does not grant categorical immunity from state civil and criminal law.

Judicial Precedents and Legal Theory

The bill cites several landmark cases and legal principles to justify state-level oversight:

- **Historical Liability:** Referencing *Little v. Barreme* and *Murray v. The Charming Betsey*, the act notes that courts have long recognized federal officials can be held liable for violations of federal law and constitutional rights.
- **State Court Forum:** The act asserts that state courts are appropriate forums for damages arising from abuses of power, as federal officials are ordinarily governed by local law in such suits.
- **Bivens Supplementation:** The remedy recognized in *Bivens v. Six Unknown Named Agents* is described as a supplement to, rather than a replacement for, traditional state-law causes of action.
- **Legislative Authority:** Citing *Egbert v. Boule*, the Assembly argues that legislatures are better suited than courts to determine how damages remedies for constitutional violations should be provided.

- **Supremacy Clause Limitations:** Based on *Martin v. United States*, the act maintains that supremacy-clause immunity does not extend beyond its traditional criminal-law context to shield officials from all civil liability.

Statutory Provisions: Section 13-20-1401

The core of the act is the creation of Section 13-20-1401 in the San Andreas Revised Statutes (S.A.R.S.). This section outlines the mechanics of the new civil action.

The Cause of Action

An individual injured during civil immigration enforcement may bring a civil action against the violator if their U.S. Constitutional rights were infringed.

- **Applicability:** The action applies to the violator regardless of whether they were acting under color of law.
- **Available Relief:** Plaintiffs may seek legal relief, equitable relief, or any other appropriate relief.

Immunity Restrictions

To ensure the effectiveness of the cause of action, the act specifies that no grant of immunity shall bar an action "to the maximum extent permissible under the United States Constitution." The following immunities are explicitly listed as non-applicable:

1. Sovereign immunity
2. Official immunity
3. Intergovernmental immunity
4. Qualified immunity
5. Supremacy Clause immunity
6. Statutory immunity (including the San Andreas Governmental Immunity Act)
7. Common-law immunity

Attorney Fees and Costs

The act establishes a fee-shifting structure designed to favor plaintiffs:

- **Prevailing Plaintiffs:** The court **shall** award reasonable attorney fees and costs. In cases of injunctive or declaratory relief, a plaintiff prevails if their action was a "substantial factor" or "significant catalyst" in obtaining relief.
- **Prevailing Defendants:** The court may **only** award fees to a defendant if the claim is found to be frivolous or brought in bad faith.

Definitions and Procedural Requirements

The act provides specific definitions to clarify the scope of "civil immigration enforcement" and sets a strict timeline for legal recourse.

Key Definitions

Term	Definition
Civil Immigration Enforcement	Actions taken to investigate, question, detain, transfer, or arrest a person for the purpose of enforcing federal civil immigration law.
Exclusions	Does not include actions taken by a peace officer acting within the scope of lawful duties and in compliance with state law.

Statute of Limitations

Section 4 of the bill amends S.A.R.S. Section 13-80-102 to include a specific limitation period. Any action alleging a violation of constitutional rights during civil immigration enforcement must be commenced within **two years** after the cause of action accrues.

Conclusion and Effective Date

The Immigration Enforcement Accountability Act is framed as a necessary measure for the "immediate preservation of the public peace, health, and safety." Due to the inclusion of a Safety Clause (Section 5), the act takes effect immediately upon the Governor's signature.

Legislative Leadership and Approval

The bill was sponsored by a bicameral group of legislators and verified by the following state officials:

- **Senators:** Virgil Murillo, Albert Petty
- **Representatives:** Howard Ballard, Jamie Barnes, Julia Willis, Emma Enriquez
- **Senate President:** Benjamin Harrison
- **Speaker of the House:** Brooklynn Suarez
- **Governor:** Isabel R. Payne