

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

ENGROSSED

LLS NO. 26-0701.02 Asa Miller x2741

SENATE BILL 26-001

SENATE SPONSORSHIP

Murillo, Petty

HOUSE SPONSORSHIP

Ballard, Barnes, Willis, Enriquez

House Committees

Not assigned

Senate Committees

Justice, Public Safety & Constitutional Affairs

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill creates a civil cause of action allowing individuals to seek relief in state court for violations of constitutional rights occurring during civil immigration enforcement within the State of San Andreas. The bill clarifies that individuals participating in civil

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

immigration enforcement activities may be held civilly liable when their actions violate the United States Constitution, regardless of whether they are acting under color of law.

The legislation establishes that an injured person may bring a civil action for damages, equitable relief, or other appropriate remedies when constitutional violations occur in the course of civil immigration enforcement. The bill provides for the award of reasonable attorney fees and costs to prevailing plaintiffs and limits fee awards to defendants to cases involving frivolous or bad-faith claims.

The Act further specifies that, to the maximum extent permitted under the United States Constitution, certain immunity defenses — including sovereign immunity, official immunity, qualified immunity, intergovernmental immunity, and supremacy clause immunity — shall not bar claims brought under the statute. The bill also establishes a two-year statute of limitations for such actions.

The purpose of the Act is to ensure accountability and provide a clear legal remedy for constitutional violations occurring during civil immigration enforcement while reaffirming the authority of state courts to adjudicate civil rights claims arising within the state’s jurisdiction.

1 *Be it enacted by the General Assembly of the State of San*

2 *Andreas:*

3 **SECTION 1. SHORT TITLE.** This act shall be known and cited
4 as the “Immigration Enforcement Accountability Act”.

5 **SECTION 2. LEGISLATIVE DECLARATION.** (a) The General
6 Assembly finds and declares that: (I) Since the founding of the
7 United States, courts have recognized that federal officials may be
8 held liable for violations of federal law and constitutional rights,
9 including in *Little v. Barreme* and *Murray v. The Charming*
10 *Betsey*; (II) The United States Supreme Court has long held that
11 federal officers and employees are not categorically immune from
12 the operation of state law solely by virtue of their federal
13 employment, including liability under state civil and criminal law
14 where applicable; (III) The Supreme Court has repeatedly

1 recognized that, in suits for damages arising from abuses of
2 power, federal officials are ordinarily governed by local law, and
3 that state courts provide an appropriate forum for such claims;
4 (IV) When the Supreme Court recognized a federal judicial
5 remedy for certain constitutional violations in *Bivens v. Six*
6 *Unknown Named Agents*, that remedy was understood to
7 supplement, not displace, traditional state-law causes of action;
8 (V) Congress has expressly preserved the availability of civil
9 actions for violations of the United States Constitution against
10 federal employees, notwithstanding statutory limitations on other
11 tort remedies; (VI) In *Egbert v. Boule*, the Supreme Court
12 emphasized that legislatures, rather than courts, are better suited
13 to determine whether and how damages remedies should be
14 provided for constitutional violations; (VII) In *Martin v. United*
15 *States*, the Supreme Court declined to extend supremacy-clause
16 immunity beyond its traditional criminal-law context; (VIII)
17 Violations of the constitutional rights of persons within the United
18 States are neither “necessary” nor “proper” to the execution of
19 federal powers; and (IX) The State of San Andreas, as a sovereign
20 state, possesses the authority and responsibility to provide
21 remedies in its courts for violations of federal constitutional rights
22 occurring within its jurisdiction, consistent with the United States
23 Constitution. **SECTION 3. AMENDMENT TO THE REVISED**
24 **STATUTES.** In the San Andreas Revised Statutes, add Section
25 13-20-1401 as follows: 13-20-1401. Civil action for violation of
26 constitutional rights during civil immigration enforcement —
27 relief — attorney fees — immunity — statute of limitations —
28 definitions. (a) A person injured within the State during civil
29 immigration enforcement by another person who, acting under
30 color of federal or state authority, knowingly violates rights
31 secured by the Constitution of the United States may bring a civil
32 action under the laws of this State for damages, declaratory relief,
33 injunctive relief, or other appropriate relief. Nothing in this

1 section shall be construed to regulate federal immigration policy
2 or operations, but rather to provide remedies for unlawful conduct
3 occurring within the State. Liability shall attach only where the
4 defendant acted knowingly or with reckless disregard for clearly
5 established constitutional rights. (b) Attorney fees and costs: In an
6 action brought pursuant to this section, a court shall award
7 reasonable attorney fees and costs to a prevailing plaintiff. In
8 actions seeking injunctive or declaratory relief, a plaintiff shall be
9 deemed to have prevailed if the action was a substantial factor or
10 significant catalyst in obtaining the relief sought. A court may
11 reduce attorney fee awards where damages are nominal or where
12 equitable relief substantially exceeds demonstrated injury. (c)
13 When judgment is entered in favor of a defendant, the court may
14 award reasonable attorney fees and costs only for claims the court
15 finds to be frivolous or brought in bad faith. (d) To the maximum
16 extent permitted under the United States Constitution, immunity
17 defenses shall not bar an action brought pursuant to this section
18 where the challenged conduct exceeds lawful authority or violates
19 clearly established constitutional protections. Nothing in this
20 subsection shall be interpreted to waive immunities required by
21 federal law or binding federal precedent. (e) Definitions. As used
22 in this section, unless the context otherwise requires: (I) “Civil
23 immigration enforcement” means an action taken to investigate,
24 question, detain, transfer, or arrest a person for the purpose of
25 enforcing federal civil immigration law. (II) “Civil immigration
26 enforcement” means direct participation in investigation,
27 detention, transfer, or arrest conducted primarily for enforcement
28 of federal civil immigration law and does not include incidental
29 administrative, custodial, or emergency assistance unrelated to
30 immigration enforcement decisions. (III) Statute of limitations:
31 An action brought pursuant to this section must be commenced
32 within two years after the cause of action accrues. (f) This section
33 shall not be construed to limit the ability of a defendant to seek

1 removal or federal judicial review where authorized under federal
2 law. (g) It shall be an affirmative defense that the defendant
3 reasonably relied in good faith upon: (I) A facially valid judicial
4 warrant; (II) Binding federal statute or regulation; or (III) Direct
5 supervisory instruction not known to be unlawful. (h) Actions
6 brought pursuant to this section shall proceed against defendants
7 in their individual capacity unless otherwise authorized by law. (i)
8 Nothing in this section requires indemnification by the State or
9 any political subdivision for conduct determined by a court to be
10 outside lawful authority or undertaken in bad faith. **SECTION 4.**
11 **IN THE SAN ANDREAS REVISED STATUTES, SECTION**
12 **13-80-102, ADD A NEW SUBSECTION TO READ: 13-80-102.**
13 **General limitation of actions — two years.** An action alleging a
14 violation of constitutional rights during civil immigration
15 enforcement brought pursuant to Section 13-20-1401 must be
16 commenced within two years after the cause of action accrues.
17 **SECTION 5. SEVERABILITY.** If any provision of this Act or its
18 application is held invalid, such invalidity shall not affect
19 remaining provisions that may be given effect without the invalid
20 portion. **SECTION 6. SAFETY CLAUSE - EFFECTIVE DATE.**
21 The General Assembly finds, determines, and declares that this
22 act is necessary for the immediate preservation of the public
23 peace, health, and safety, therefore this act shall take effect
24 immediately after being signed into law by the Governor.