

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

INTRODUCED

LLS NO. 26-0701.01 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) Cause of action: A person who is injured during
29 civil immigration enforcement by another person who, whether or
30 not acting under color of law, violates the United States
31 Constitution while participating in civil immigration enforcement
32 may bring a civil action against the other person. A person found
33 to have violated the United States Constitution while participating

1 in civil immigration enforcement is liable to the injured person for
2 legal relief, equitable relief, or any other appropriate relief. (b)
3 Attorney fees and costs: In an action brought pursuant to this
4 section, a court shall award reasonable attorney fees and costs to a
5 prevailing plaintiff. In actions seeking injunctive or declaratory
6 relief, a plaintiff shall be deemed to have prevailed if the action
7 was a substantial factor or significant catalyst in obtaining the
8 relief sought. (c) When judgment is entered in favor of a
9 defendant, the court may award reasonable attorney fees and costs
10 only for claims the court finds to be frivolous or brought in bad
11 faith. (d) Immunity not applicable: To the maximum extent
12 permissible under the United States Constitution, no grant of
13 immunity shall bar an action brought pursuant to this section,
14 including but not limited to: (I) Sovereign immunity; (II) Official
15 immunity; (III) Intergovernmental immunity; (IV) Qualified
16 immunity; (V) Supremacy Clause immunity; (VI) Statutory
17 immunity, including the San Andreas Governmental Immunity
18 Act; or (VII) Any common-law immunity. (e) Definitions. As
19 used in this section, unless the context otherwise requires: (I)
20 “Civil immigration enforcement” means an action taken to
21 investigate, question, detain, transfer, or arrest a person for the
22 purpose of enforcing federal civil immigration law. (II) “Civil
23 immigration enforcement” does not include actions taken by a
24 peace officer acting within the scope of the officer’s lawful duties
25 and in compliance with state law. (III) Statute of limitations: An
26 action brought pursuant to this section must be commenced within
27 two years after the cause of action accrues. **SECTION 4. IN THE**
28 **SAN ANDREAS REVISED STATUTES, SECTION 13-80-102,**
29 **ADD A NEW SUBSECTION TO READ: 13-80-102. General**
30 **limitation of actions — two years. An action alleging a violation**
31 **of constitutional rights during civil immigration enforcement**
32 **brought pursuant to Section 13-20-1401 must be commenced**
33 **within two years after the cause of action accrues. SECTION 5.**

1 SAFETY CLAUSE - EFFECTIVE DATE. The General Assembly
2 finds, determines, and declares that this act is necessary for the
3 immediate preservation of the public peace, health, and safety,
4 therefore this act shall take effect immediately after being signed
5 into law by the Governor.