

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-005 be amended as follows:

- 1 Amend printed bill, page 2, after line 7, insert:
 - 2 "(b) In later 19th century cases as well, the United States supreme
 - 3 court held that federal officials could be liable for damages even for
 - 4 reasons relating to but beyond the lawful scope of federal duties, *Mitchell*
 - 5 *v. Harmony*, 54 U.S. 115 (1851), and in particular that state courts
 - 6 possessed jurisdiction to consider such damages claims, *Teal v. Felton*,
 - 7 53 U.S. 284 (1852);".
- 8 Reletter succeeding paragraphs accordingly.
- 9 Page 3, line 3, strike "state law," and substitute "state courts,".
- 10 Page 4, strike lines 11 through 18 and substitute:
 - 11 "(1) A PERSON WHO HAS THEIR RIGHTS THAT ARE GUARANTEED BY
 - 12 THE UNITED STATES CONSTITUTION VIOLATED BY ANOTHER PERSON WHO,
 - 13 ACTING UNDER COLOR OF ANY FEDERAL, STATE OR LOCAL LAW, IS
 - 14 PARTICIPATING IN CIVIL IMMIGRATION ENFORCEMENT, MAY BRING A CIVIL
 - 15 ACTION AGAINST THE OTHER PERSON. A PERSON FOUND TO HAVE
 - 16 VIOLATED THE UNITED STATES CONSTITUTION WHILE PARTICIPATING IN
 - 17 CIVIL IMMIGRATION ENFORCEMENT IS LIABLE TO THE PERSON WHOSE
 - 18 RIGHTS ARE VIOLATED FOR LEGAL OR EQUITABLE RELIEF OR ANY OTHER
 - 19 APPROPRIATE RELIEF.".
- 20 Page 5, line 2, strike "CONSTITUTION," and substitute "CONSTITUTION AND
- 21 42 U.S.C. SEC. 1983,".
- 22 Page 6, before line 4, insert:
 - 23 "**SECTION 4. Severability.** If any provision of this act or the
 - 24 application of this act to any person or circumstance is held invalid, the
 - 25 invalidity does not affect other provisions or applications of the act that
 - 26 can be given effect without the invalid provision or application, and to
 - 27 this end the provisions of this act are declared to be severable.".
- 28 Renumber succeeding section accordingly.

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