

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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