

SENATE COMMITTEE OF REFERENCE REPORT

February 2, 2026

Chair of Committee

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB26-005 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, after line 7, insert:
 - 2 "(b) In later 19th century cases as well, the United States supreme court held that federal officials could be liable for damages even for reasons relating to but beyond the lawful scope of federal duties, *Mitchell v. Harmony*, 54 U.S. 115 (1851), and in particular that state courts possessed jurisdiction to consider such damages claims, *Teal v. Felton*, 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 THE UNITED STATES CONSTITUTION VIOLATED BY ANOTHER PERSON WHO, ACTING UNDER COLOR OF ANY FEDERAL, STATE OR LOCAL LAW, IS PARTICIPATING IN CIVIL IMMIGRATION ENFORCEMENT, MAY BRING A CIVIL ACTION AGAINST THE OTHER PERSON. A PERSON FOUND TO HAVE VIOLATED THE UNITED STATES CONSTITUTION WHILE PARTICIPATING IN CIVIL IMMIGRATION ENFORCEMENT IS LIABLE TO THE PERSON WHOSE RIGHTS ARE VIOLATED FOR LEGAL OR EQUITABLE RELIEF OR ANY OTHER APPROPRIATE RELIEF.".
- 20 Page 5, line 2, strike "CONSTITUTION," and substitute "CONSTITUTION AND 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

1 application of this act to any person or circumstance is held invalid, the
2 invalidity does not affect other provisions or applications of the act that
3 can be given effect without the invalid provision or application, and to
4 this end the provisions of this act are declared to be severable.".

5 Renumber succeeding section accordingly.

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