
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 747 (Wiener) - Civil rights: deprivation of federal constitutional rights, privileges, and immunities

Version: January 5, 2026

Policy Vote: L., P.E. & R. 4 - 0, JUD. 9 - 2, JUD. 11 - 2

Urgency: Yes

Mandate: No

Hearing Date: January 22, 2026

Consultant: Liah Burnley

Bill Summary: SB 747 would establish a civil cause of action for violations of one's constitutional rights by government officials, and plaintiff's fees and costs, to be applied retroactively.

***** **ANALYSIS ADDENDUM – SUSPENSE FILE** *****

The following information is revised to reflect amendments
adopted by the committee on January 22, 2026

Fiscal Impact:

- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate civil actions. Creating a new cause of action that allows for the recovery of attorney's fees may lead to additional case filings that otherwise would not have been commenced. Creating new causes of action could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations. The proposed fiscal year 2026–27 Governor's provides for \$70 million ongoing General Fund to help the trial courts address increases in operational costs (e.g.: salaries and benefits, supplies, equipment, and other services necessary for the courts to operate) and mitigate potential reductions to core program and services.
- Unknown, potentially significant costs to state and local government officials (General Fund, special funds, local funds) for increased exposure to civil liability. Agencies may also incur higher liability insurance costs due to increased litigation exposure.

Author Amendments:

- Specify that the bill applies retroactively to March 1, 2025, provided that, for any claim for a violation of the United States Constitution that occurred between March 1, 2025, and the effective date of this section, the only monetary damages that shall be available pursuant to this section for that constitutional violation are nominal and compensatory damages.
- Strike the urgency clause.
- Make minor, nonsubstantive changes.
- Add Senators Becker and Cortese as co-authors.

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