Date of Hearing: June 9, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 747 (Wiener and Wahab) – As Amended May 27, 2026

As Proposed to be Amended to Add an Urgency Clause

SENATE VOTE: 30-10

SUBJECT: CIVIL RIGHTS: DEPRIVATION OF FEDERAL CONSTITUTIONAL RIGHTS, PRIVILEGES, AND IMMUNITIES

SYNOPSIS

Since returning to office in January 2025, the administration of President Donald Trump sought to enact the President's campaign promise of massive deportation actions across the United States. Starting with the near invasion of Los Angeles by federal officials in the summer of 2025, the federal government has repeatedly used brutal, and likely unlawful, tactics to carry out the federal government's massive immigration enforcement efforts. This brutality has not only been directed against undocumented immigrants but against any person who looked like they may be an immigrant and against American citizens simply protesting the federal government's ruthlessness. From questionable detentions, to unlawful practices before grand juries, to the murder of two United States citizens protesting – millions of Americans are aghast at the behavior of federal law enforcement. Unfortunately, thanks to a series of federal court decisions, the remedies available to Americans harmed by the actions of the federal government are growing smaller by the day.

This bill, the "No Kings Act" seeks to adopt a state-level law to provide a means to hold federal law enforcement accountable for their actions. Modeled after federal law, which provides some means for suing bad-acting federal officials, this bill would authorize a civil cause of action for a person who has their constitutional rights violated by federal law officials. The bill codifies many of the defenses provided in federal law to such actions. The bill recognizes the violations of Californians' civil rights have very likely already occurred at the hands of federal law enforcement and makes its provisions retroactive to March 2025. As proposed to be amended this bill will adopt an urgency clause and make necessary findings.

This bill is jointly sponsored by Protect Democracy United, Prosecutor's Alliance Action, the Inland Coalition for Immigration Justice, and the California PTA. The supporters of the bill argue that new tools are necessary to protect Californians from federal overreach. This measure is opposed by a litany of local law enforcement agencies and local governments who believe the bill is overbroad and needlessly exposes state and local officials to liability when the true target of the bill is the federal government. However, as discussed in detail in the analysis, such broad applicability is unlikely to truly generate new liability for state law enforcement and is largely necessary to provide the bill the greatest chance of withstanding constitutional scrutiny and legal challenges.

SUMMARY: Authorizes a cause of action to be brought against a government official that violates a person's constitutional rights. Specifically, **this bill**:

1) Provides that every natural person who, under color of any law, statute, ordinance, regulation, custom, or usage, subjects, or causes to be subjected, any citizen of this state or any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the United States Constitution, is to be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in the officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

2) Provides that an action brought to enforce the provisions of 1) may be filed either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which a natural person whose conduct complained of resides or has their place of business.

3) Provides that a defendant in an action brought pursuant to 1) may assert a defense of absolute or qualified immunity to the same extent as a person sued under Section 1983 of Title 42 of the United States Code under like circumstances.

4) Provides that nothing in 3) alters, amends, creates, or supports a qualified or absolute immunity defense in any other action or proceeding brought under any other provision of California.

5) Provides that nothing in this bill is to be construed to waive or abrogate any defense of sovereign immunity otherwise available to a party, as specified.

6) Provides that in any action or proceeding brought pursuant to 1) the court, in its discretion, may award a prevailing plaintiff reasonable attorney's fees and costs, except that in any action brought against a judicial officer for an act or omission taken in the officer's judicial capacity, the officer is not to be held liable for any fees or costs, except if the officer's action was clearly in excess of the officer's jurisdiction.

7) Requires any action brought pursuant to 1) to be brought within two years of the cause of action accruing.

8) Defines the following:

    a) "Color of any law, statute, ordinance, regulation, custom, or usage" includes color of any statute, ordinance, regulation, custom, or usage, of the United States and of any state or territory or the District of Columbia; and

    b) "Natural person" does not include a federal, state, or local official who is sued in their official capacity for monetary relief.

9) Applies the provision of the bill to any claim that occurred starting on March 1, 2025.

10) Provides that the provisions of the bill may be cited as the "No Kings Act."

11) Adopts a severability clause.

12) Adopts an urgency clause.

EXISTING LAW:

1) Provides, as a part of the Tom Bane Civil Rights Act, that a person, whether or not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney may bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the peaceable exercise or enjoyment of the right or rights secured. (Civil Code Section 52.1 (b).)

2) Provides that in an action to enforce 1) brought by the Attorney General, any district attorney, or any city attorney the plaintiff may also seek a civil penalty of twenty-five thousand dollars ($25,000). (*Ibid.*)

3) Provides that, notwithstanding 2), any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or laws of this state, has been interfered with, or attempted to be interfered with may institute and prosecute in their own name and on their own behalf a civil action for damages, injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured, including appropriate equitable and declaratory relief to eliminate a pattern or practice of conduct. (Civil Code Section 52.1 (c).)

4) Provides that whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to state civil rights laws is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars ($4,000), and any attorney's fees that may be determined by the court in addition thereto, suffered by any person denied their rights. (Civil Code Section 52.)

5) Provides, pursuant to federal law, that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except as provided. (42 U.S.C. Section 1983.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: Both state and federal law provide a means of relief for persons who have their constitutional rights violated by government officials acting under the color of law. However, the California statute, the Tom Bane Civil Rights Act, does not apply to federal government officials. While caselaw interpreting the federal statute, Section 1983 of Title 28 of the United States Code, does permit actions against federal officials, recent Supreme Court precedent is limiting the applicability of that law to federal law enforcement. This bill would adopt a state-level analogue to Section 1983 and apply it to all government officials at the local, state, and federal level. In support of this bill, the author states:

Senate Bill 747 provides a clear statutory pathway to sue any official — federal, state, or local — who violates a Californian's federal rights under the United States Constitution. This bill affirms that the United States Constitution is the supreme law of the United States.

Currently, federal law allows citizens to sue state and local officials for constitutional violations, however, there is no statutory equivalent for federal officials. Historically, courts relied on an implied right to sue, but the Supreme Court has severely curtailed this doctrine. This has created a dangerous double standard where federal agents effectively cannot be sued for damages, even for willful violations of constitutional rights. SB 747 creates a legal claim in state court for anyone injured by a government official's unconstitutional acts. This replaces blind trust in executive good faith with an enforceable remedy before an independent tribunal.

Californians need a way to stand up to this Administration's unprecedented disregard for their Constitutional rights. Our rights mean little if government agents can violate Constitutional rights of Californians without consequences. By providing for a universal remedy for violations of the United States Constitution, SB 747 ensures that Californians can exercise their constitutional rights knowing they are enforceable rights, not just hollow promises.

Existing laws that aim to protect against the violation of one's civil rights, however, make it difficult to hold federal officials accountable for civil rights violations. Existing federal law, dating back to 1871, permits a private party to file a lawsuit against a state actor who violates their rights under the Constitution and laws of the United States. Now found in Section 1983 of Title 28 of the United States Code, the law is frequently utilized to hold law enforcement and other government actors to account when they violate a person's civil rights. Although originally only applicable to state and local government actors, in 1971, the United States Supreme Court held that federal officials can be held accountable under Section 1983 actions. (*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics* (1971) 403 U.S. 388.) In *Bivens,* the Supreme Court noted that a violation of a person's Fourth Amendment rights could give rise to a civil action for monetary damages even though the Amendment itself does not explicitly authorize such an award. The court rooted this holding in its review of longstanding case law and noted that, "the very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." (*Id.* at 396 citing *Marbury v. Madison* (1803) 1 Cranch 137, 163.)

However, like many areas of previously well settled law, the current United States Supreme Court is now moving to limit the ability of Americans to seek redress against federal officials. Indeed, in 2022, the United States Supreme Court held that "recognizing a cause of action under *Bivens* is a disfavored judicial activity." (*Egbert v. Boule* (2022) 596 U.S. 482, 490-492.) The court in *Egbert* further noted that courts must look to Congressional intent when determining if a right to sue exists under various federal law. This poses additional challenges to persons facing civil rights violations as many federal statutes waiving federal immunities impose strict standing requirements. For example, when seeking to prevent immigration official's indiscriminate patrols that detained persons of (apparently) Latin American descent, the Supreme Court refused to enjoin the federal governments conduct. (*Perdomo v. Noem* (2025) 146 S.Ct. 1.) In part of the concurrence to the *Perdomo* decision, Justice Kavanaugh argued that, based on the court's prior decision in in *Los Angeles v. Lyons* (1983) 461 U.S. 95, the "plaintiffs likely lack Article III standing to seek a broad injunction restricting immigration officers from making these

investigative stops. In *Lyons*, the Court held that standing to obtain future injunctive relief does not exist merely because plaintiffs experienced past harm and fear its recurrence. What matters is the 'reality of the threat of repeated injury,' not 'subjective apprehensions.' So too here." (*Perdomo, supra,* at 2.)

Although California's Bane Act provides remedies for civil rights violations, it does not apply to federal officials. For California residents who have their civil rights violated, in addition to filing a Section 1983 claim, an action can be maintained under the Tom Bane Civil Rights Act. Although the Bane Act is silent as to the scope of its applicability, the law is violated anytime, "a person, whether or not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state…" (Civil Code Section 52.1.) However, federal courts have essentially limited the applicability of the law to local or state law enforcement only.

Although the courts have provided some leeway for Bane Act claims when a plaintiff can show that a defendant violated an underlying federal statute, the Ninth Circuit has refused to recognize the validity of, "Bane Act claims deriving from constitutional violations." (*Lewis v. Mossbrooks* (2019) 788 Fed. Appx. 455, 460.) Several federal trial courts in California have gone further arguing that Bane Act claims against individual defendants are precluded because the Bane Act, "is a 'state law cause of action sounding in tort even predicated on violations of the constitution and other statutes,'" (*Quinonez v. United States* (2023) 2023 U.S. Dist. LEXIS 153482), and that "a Bane Act claim against a federal employee fails as a matter of law." (*Haynes v. Hanson* (2014) U.S. Dist. LEXIS 58773.)

Overzealous federal law enforcement is no longer a hypothetical threat. The current iteration of this bill appears to stem from the sweeping immigration enforcement efforts, and subsequent crackdown on protesters, that occurred in Los Angeles in the summer of 2025. The actions of federal law enforcement injured protesters, detained American citizens, and left the city in terror for much of the summer. (Dani Anguiano, *'Living an American nightmare': LA hearing details lasting trauma of ICE raids,* The Guardian (Nov. 26, 2025) available at: https://www.theguardian.com/us-news/2025/nov/25/los-angeles-congressional-hearing-ice-raids.)

Unfortunately, Los Angeles was just the start of the federal government's overzealous and legally suspect attempts to conduct mass immigration actions. When federal authorities descended on Chicago in the fall of 2025, dozens of protesters and American citizens were detained. Demonstrating the dubious legal claims made by federal law enforcement to justify their actions, recently all changes were dropped against the so called "Broadview Six" after a federal trial judge found significant irregularities occurred at the grand jury. (Edward Helmore, *All charges against Chicago protesters dropped in latest ICE case to unravel*, The Guardian (May 22, 2026) available at: https://www.theguardian.com/us-news/2026/may/22/chicago-ice-protesters-charges-dropped-broadview-six.) Tragically, most Americans are now also aware of the significant legal abuses that occurred in Minneapolis during federal immigration agent's January 2026, mass immigration actions that resulted in the deaths of two unarmed protesters.

Given that the Bane Act is inapplicable to federal law enforcement and that the United States Supreme Court appears to be moving to fully overturn *Bivens,* and shield federal law

enforcement from any meaningful accountability, Californians appear to need new legal authority to protect against overreach by federal law enforcement.

This bill would adopt a California analogue to the federal Section 1983. Recognizing that the right to seek redress against harms caused by federal officials is based solely on an implied, and shrinking, reading of federal law, this bill would codify a state analogue to the federal Section 1983 and provide Californians a cause of action to remedy constitutional violations committed by federal officials. The bill states that "every natural person who, under color of any law, statute, ordinance, regulation, custom, or usage, subjects, or causes to be subjected, any citizen of this state or any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the United States Constitution" may be liable for damages to the aggrieved person. This phrasing largely mirrors federal law, except it omits reference to "state" law thereby seeking to apply to persons acting under laws adopted at all levels of government.

Recognizing the suspect legality of some of the federal government's actions in this state during the summer of 2025, the bill applies retroactively to March 2025, and explicitly authorizes courts to award prevailing plaintiffs in such actions with reasonable attorney's fees and costs and expert fees. The bill also makes clear that it does not curtail the ability of defendants to assert sovereign immunity or absolute or qualified immunity as can be asserted under Section 1983 claims. Finally, recognizing that federal law enforcement may be redeployed to California in large numbers in the run-up to the 2026 midterms, this bill seeks to adopt an urgency clause and makes necessary and related findings.

Despite opposition concerns about new liability for local agencies, existing law already subjects local governments to liability for the depravation of Californians civil rights. While federal agencies, as is typical for state-level policy disputes, have not weighed in on this matter, numerous local agencies have written to oppose this bill. Representative of the opposition, the California State Sheriff's Association writes, "SB 747 unnecessarily drags state and local employees into its crosshairs and could even fail in its attempt to regulate the behavior of federal entities." The arguments of the Sheriff's Association, and those of other state and local law enforcement agencies opposing the bill, are well taken.

However, as noted above, both the Bane Act and Section 1983 already permit causes of action against state and local law enforcement that violate a Californian's constitutional rights. While there is little question the author of this measure intends to capture unlawful behavior by federal law enforcement, in order to withstand constitutional scrutiny, recent cases appear to dictate that a broadly applicable mandate that treats local, state, and federal law enforcement alike is the only type of state law that may have any hope of withstanding court challenge. In striking down California's mandate barring face masks from being worn by law enforcement, a tactic widely used by federal agents, the United States District Court for the Central District of California ruled that the bill, "would interfere with or take control of federal law enforcement operations." (*United States of America v. State of California* (2026) No. 26-926 at p. 8.) One of the most apparent flaws of the bill identified by the courts appears to be how it treated some California law enforcement agencies, including those housed within the California Natural Resources Agency (Fish and Game Wardens, Park Rangers, and CALFIRE law enforcement), the California Department of Corrections and Rehabilitation, and the California Transportation Agency (the California Highway Patrol) differently from federal law enforcement. (*Id.* at 5, see footnote 2.) This holding builds on prior Ninth Circuit case law which found that state laws must be "generally applicable" and that a state law cannot directly undermine the federal

government's decision-making authority. (*Geo Group, Inc. v. Newsom* (2022) F.4th 745, 756-57.)

Accordingly, when applying those standards to this bill, in order to have any hope of withstanding court challenges, the law must be generally applicable. Accordingly, it must apply to law enforcement acting under both state and federal authority. While it is understandable that local law enforcement may wish to be excluded from a bill inspired by the widespread misconduct of federal authorities, such a bill would likely fail constitutional scrutiny. Given that state and local law enforcement may already be subject to suit under existing law should they violate a person's constitutional rights, this bill does not appear to dramatically expand the scope of these agency's liability.

ARGUMENTS IN SUPPORT*:* This bill is jointly sponsored by Protect Democracy United, Prosecutor's Alliance Action, the Inland Coalition for Immigration Justice, and the California PTA. The bill enjoys support from several other civil liberties organizations. In support of the bill, the co-sponsors write:

> SB 747 is necessary to correct an imbalance in how federal, state, and local officials are held accountable to the Constitution. While a federal law, 42 U.S.C. § 1983, allows people to sue state and local officials for constitutional violations, no equivalent federal law exists for suing federal officials. Instead, people injured by federal officials have historically relied on a "*Bivens* action"—a limited, implied right to sue directly under the Constitution.
>
> Making matters worse, the Supreme Court has sharply curtailed the availability of *Bivens* actions in recent years. And as *Bivens* has been narrowed, a dangerous gap has emerged: federal officers often have *de facto* immunity and cannot be sued for damages, even for willful violations of constitutional rights. This disparity—where federal officers operate without the same accountability as state and local actors—violates the longstanding and foundational legal principle that "every right, when withheld, must have a remedy, and every injury its proper redress." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 147 (1803).
>
> Senate Bill 747 closes that accountability gap. By providing for a clear statutory pathway to sue any official—federal, state, or local—who violates the Constitution, it affirms that the United States Constitution (and not the whims of any governmental official) is the supreme law of the United States. Most importantly, by providing for a universal remedy for violations of the United States Constitution, SB 747 will ensure that Californians can exercise their constitutional rights knowing they are enforceable rights, not just hollow promises.

ARGUMENTS IN OPPOSITION*:* As noted this bill is opposed by a litany of local law enforcement agencies, their labor representatives, and the local governments that maintain police forces. Representative of the opposition, the California League of Cities writes:

> Although SB 747 is intended to expand remedies for alleged constitutional violations by federal agents, the bill raises serious legal and practical concerns for local employees and governments.
>
> First, the bill largely duplicates existing civil-rights remedies, including claims already available under 42 U.S.C. § 1983. Rather than addressing a true remedial gap, SB 747 would create an overlapping state-law pathway for claims that can already be asserted against local

public employees and entities. That duplication would encourage parallel pleadings and forum shopping, and generate threshold litigation over removal, preemption, immunity, and claim-splitting, thereby increasing local defense costs.

Second, the bill also appears to create uncertainty regarding applicable defenses. Proposed section 53.8(d) directs courts to evaluate immunities to the same extent as in a 42 U.S.C. § 1983 action. That approach risks conflict or, at minimum, confusion when the bill is read alongside other California statutes reflecting different policy choices about immunity and defenses. The result would be additional motion practice, inconsistent rulings, and delayed resolution for all parties.

Third, SB 747 would necessarily place additional burdens on California's already strained judicial system. By creating a parallel state law cause of action overlapping with existing federal remedies, the bill would generate duplicative filings and procedural disputes in both state and federal court, without producing corresponding benefits for claimants.

REGISTERED SUPPORT / OPPOSITION:

Support

California State PTA (co-sponsor)
Prosecutors Alliance Action (co-sponsor)
Inland Coalition for Immigrant Justice (co-sponsor)
Protect Democracy United (co-sponsor)
ACLU California Action
California Alliance for Retired Americans
California Faculty Association
California School Employees Association
California Teachers Association
Democrats of Rossmoor
League of Women Voters of California
Santa Monica Democratic Club
Unidosus
United Domestic Workers/AFSCME Local 3930
United Farm Workers

Opposition

Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association (unless amended)
California Reserve Peace Officers Association
California State Sheriffs' Association
City of Vacaville

Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association

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