Date of Hearing: June 24, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Buffy Wicks, Chair
SB 747 (Wiener) – As Amended June 10, 2026

Policy Committee: Judiciary Vote: 9 - 3

Urgency: Yes State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill establishes a civil cause of action allowing a person to sue a government official who, under color of law, deprives them of rights secured by the United States Constitution.

Specifically, this bill:

1) Authorizes a court, in its discretion, to award a prevailing plaintiff reasonable attorney's fees, costs, and expert fees.

2) Allows a defendant to assert absolute or qualified immunity to the same extent as a person sued under 42 United States Code (U.S.C.) Section 1983.

3) Applies retroactively to March 1, 2025, limiting damages for any claim arising between that date and the bill's effective date to nominal and compensatory damages.

4) Requires an action to be filed within two years of the cause of action accruing.

5) Takes effect immediately as an urgency statute.

FISCAL EFFECT:

1) Cost pressures (Trial Court Trust Fund, General Fund) to the trial courts to adjudicate a new category of civil action. Because the bill creates a new cause of action and authorizes recovery of attorney's fees, costs, and expert fees, it may prompt filings that would not otherwise be brought and produce lengthier, more complex proceedings. It generally costs approximately $1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately $117.3 million in 2025-26.

2) Costs of an unknown but potentially significant amount for litigation defense exposure (General Fund, special funds, local funds) to state and local officials newly subject to suit under this cause of action, plus possible increases in liability insurance costs. Because 42 U.S.C. Section 1983 and the Bane Act already permit constitutional-tort actions against state and local actors, this exposure may be limited in practice, but the additional state pathway could increase filings, motion practice, and defense costs.

3) Costs of an unknown but potentially significant amount for litigation defense costs (General Fund) to the Department of Justice. To the extent the statute is challenged in court, any costs to defend its constitutionality would be borne by the Department of Justice.

COMMENTS:

1) **Purpose**. According to the author, "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." The author states the bill responds to federal immigration-enforcement conduct in California and to the recent narrowing of remedies against federal officials.

2) **Background**. Existing law provides two principal vehicles for constitutional-tort claims: 42 U.S.C. Section 1983, which reaches state and local officials, and the Tom Bane Civil Rights Act (Civil Code Section 52.1). Neither reliably reaches federal officials — courts have read the Bane Act not to apply to federal actors, and the implied federal-officer remedy recognized in *Bivens* has been substantially narrowed by the U.S. Supreme Court (*Egbert v. Boule* (2022)). This bill adds Civil Code Section 53.8, a state-law analogue to Section 1983 applicable to officials at every level of government. The sponsors and the policy committee analysis contend that, to survive a preemption or intergovernmental-immunity challenge, such a statute must be generally applicable rather than singling out federal officers, pointing to *Geo Group, Inc. v. Newsom* and a recent federal decision enjoining California's law-enforcement face-covering restriction (*United States v. California*) as illustrating that measures treating state and federal law enforcement differently are vulnerable. That general applicability is the source of opponents' concern that the bill sweeps in state and local officials.

   The bill's reach is narrowed by how it defines its defendant; the cause of action runs only against a "natural person," which the bill defines to exclude an official sued in an official capacity for monetary relief. The section's money remedy therefore runs against individual officials personally, not against a state agency, city, or other governmental entity—unlike Section 1983, under which a municipality is itself a suable "person." In practice, however, governments commonly indemnify public officials for personal-capacity judgments, so this structure may shift costs to public funds even though the named defendant is an individual.

3) **Support and Opposition**. The bill is jointly sponsored by Protect Democracy United, Prosecutors Alliance Action, the Inland Coalition for Immigrant Justice, and the California State PTA, and is supported by ACLU California Action and other civil-liberties and labor organizations, who argue it closes an accountability gap for federal officials. It is opposed by a broad set of law enforcement associations (including PORAC and the California State Sheriffs' Association) and local-government groups (including the League of California Cities), who argue the bill duplicates existing Section 1983 remedies, invites forum-shopping and threshold litigation over removal, preemption, and immunity, and needlessly exposes state and local officials and entities to liability and defense costs.

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