

117TH CONGRESS
1ST SESSION

S. 2103

To amend the Revised Statutes of the United States to hold certain public employers liable in civil actions for deprivation of rights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. PADILLA introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Revised Statutes of the United States to hold certain public employers liable in civil actions for deprivation of rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accountability for Fed-
5 eral Law Enforcement Act”.

6 **SEC. 2. CIVIL ACTION FOR DEPRIVATION OF RIGHTS.**

7 Section 1979 of the Revised Statutes of the United
8 States (42 U.S.C. 1983) is amended—

1 (1) by striking “Every” and inserting the fol-
2 lowing:

3 “(a) In this section, the term ‘public employer’ means
4 a Federal law enforcement agency that, at the time of a
5 deprivation of any rights, privileges, or immunities de-
6 scribed in section (b), employs, or contracts with an indi-
7 vidual to perform the duties of, a Federal law enforcement
8 officer or any other officer empowered by law to execute
9 searches, to seize evidence, or to make arrests.

10 “(b) Every”;

11 (2) in subsection (b), as so designated, by in-
12 serting “the United States or” before “any State”;
13 and

14 (3) by adding at the end the following:

15 “(c) If, while acting under color of law, any officer
16 who is empowered by law to execute searches, to seize evi-
17 dence, or to make arrests subjects or causes to be sub-
18 jected any citizen of the United States or other person
19 within the jurisdiction thereof to the deprivation of any
20 rights, privileges, or immunities secured by the Constitu-
21 tion and laws, the public employer of that officer shall be
22 liable to the party injured for the conduct of the officer
23 in an action at law, suit in equity, or other proper pro-
24 ceeding for redress, regardless of whether a policy or cus-
25 tom of the public employer caused the violation, and re-

1 gardless of whether the officer has any defense or immu-
2 nity from suit or liability. This paragraph shall constitute
3 a waiver of sovereign immunity with respect to Federal
4 law enforcement agencies for any claim brought under this
5 section. Nothing in this paragraph shall be construed to
6 limit or preclude any legal, equitable, or other remedy that
7 is available, under this section or under any other source
8 of law, against an individual officer.”.

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