

119TH CONGRESS
2D SESSION

S. _____

To amend the Revised Statutes to remove the defense of qualified immunity in the case of any action under section 1979, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend the Revised Statutes to remove the defense of qualified immunity in the case of any action under section 1979, 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 “Qualified Immunity
5 Abolition Act of 2026”.

6 **SEC. 2. REMOVAL OF QUALIFIED IMMUNITY.**

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

9 (1) by inserting “(a)” before “Every person”;
10 and

1 (2) by adding at the end the following:

2 “(b) It shall not be a defense to any action brought
3 against a Federal, State, or local law enforcement officer
4 that is pending on, or filed after, the date of enactment
5 of this subsection that, at the time of the deprivation—

6 “(1) the defendant was acting in good faith;

7 “(2) the defendant believed, reasonably or oth-
8 erwise, that his or her conduct was lawful;

9 “(3) the rights, privileges, or immunities se-
10 cured by the Constitution and laws were not clearly
11 established; or

12 “(4) the state of the law was such that the de-
13 fendant could not reasonably have been expected to
14 know whether his or her conduct was lawful.”.

15 SEC. 3. CIVIL ACTION AGAINST FEDERAL LAW ENFORCE-
16 MENT OFFICERS ACTING UNDER FEDERAL
17 AUTHORITY.

18 Subsection (a) of section 1979 of the Revised Stat-
19 utes (42 U.S.C. 1983), as so designated by section 4 of
20 this Act, is amended by inserting “and every Federal law
21 enforcement officer who, under color of any statute, ordi-
22 nance, regulation, custom, or usage of the United States,”
23 before “subjects”.