

Andrew Stoddard proposes the following substitute bill:

State-Created Remedies for Federal Constitutional Violations

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill concerns a state-law remedy for a federal constitutional violation.

Highlighted Provisions:

This bill:

- ▶ creates a state-law remedy for a federal constitutional violation committed by an individual acting under federal, state, or local law;
- ▶ provides for eligible damages;
- ▶ contains a severability clause; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-3-1301, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-3-1301** is enacted to read:

CHAPTER 3. Civil Actions

Part 13. Civil Action for Deprivation of Federal Constitutional Rights

78B-3-1301 . Civil action for deprivation of federal constitutional rights under color of law.

(1)(a) Except as provided in Subsection (3), a person who is a citizen of this state or within the jurisdiction of this state, and is injured by an individual described in

29 Subsection (1)(b), has a right of action against the individual described in Subsection
30 (1)(b) for the relief described in Subsection (2).

31 (b) An individual who is acting as an employee or agent of a federal, state, or local
32 governmental entity, and who, under color of any statute, ordinance, regulation,
33 custom, or usage, of the United States, this state, or a political subdivision of this
34 state, subjects, or causes to be subjected, any citizen of this state, or any person
35 within the jurisdiction of this state, to the deprivation of any rights, privileges, or
36 immunities secured by the United States Constitution, is liable to the injured party.

37 (2)(a) Except as provided in Subsection (2)(b), a person described in Subsection (1)(a)
38 who is injured by an individual described in Subsection (1)(b) may be awarded
39 compensatory damages, equitable relief, and reasonable attorney fees and costs.

40 (b) A person may not recover punitive damages in an action brought under this section.

41 (3) A person does not have a right of action under this section if the person could seek relief
42 against an individual described in Subsection (1)(b) under 42 U.S.C. Sec. 1983 or any
43 other statutory scheme that provides a right of action for relief based on the violation of
44 a federal constitutional right.

45 (4) Unless required by the United States Constitution, a right of action under this section
46 abrogates any and all immunities otherwise available to the individual described in
47 Subsection (1)(b).

48 (5) This section does not:

49 (a) authorize a right of action against a federal, state, or local entity; or

50 (b) regulate, restrict, or impose liability on a federal, state, or local entity.

51 (6) This section only applies to a right of action that accrues on or after May 6, 2026.

52 (7) The provisions of this section are severable, and if any subsection of this section or the
53 application of any subsection to any person or circumstance is held invalid by a final
54 decision of a court with jurisdiction, the remainder of this section shall be given effect
55 without the invalid subsection or application.

56 **Section 2. Effective Date.**

57 This bill takes effect on May 6, 2026.