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State-Created Remedies for Federal Constitutional Violations

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor:

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LONG TITLE

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General Description:

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

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Highlighted Provisions:

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This bill:

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▸ creates a state-law remedy for a federal constitutional violation committed by an

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individual acting under federal, state, or local law;

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▸ provides for eligible damages;

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▸ contains a severability clause; and

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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ENACTS:

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78B-3-1301, Utah Code Annotated 1953

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

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

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CHAPTER 3. Civil Actions

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Part 13. Civil Action for Deprivation of Federal Constitutional Rights

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

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(1)(a) A person who is a citizen of this state or within the jurisdiction of this state, and is injured by an individual described in Subsection (1)(b), has a right of action against the individual described in Subsection (1)(b) for the relief described in Subsection (2).

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(b) An individual who is acting as an employee or agent of a federal, state, or local

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31 governmental entity, and who, under color of any statute, ordinance, regulation,
32 custom, or usage, of the United States, this state, or a political subdivision of this
33 state, subjects, or causes to be subjected, any citizen of this state, or any person
34 within the jurisdiction of this state, to the deprivation of any rights, privileges, or
35 immunities secured by the United States Constitution, is liable to the injured party.

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

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

40 (3) Unless required by the United States Constitution, this section abrogates any and all
41 immunities otherwise available to the individual described in Subsection (1)(b).

42 (4)(a) A right of action under this section is in addition to any other remedy available
43 under state or federal law.

44 (b) Unless otherwise required under applicable law, a person bringing an action under
45 this section is not required to exhaust any administrative remedies before filing suit.

46 (5) This section does not:

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

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

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

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

54 **Section 2. Effective Date.**

55 This bill takes effect on May 6, 2026.