
SUBSTITUTE HOUSE BILL 2597

State of Washington

69th Legislature

2026 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Thai, Fosse, Simmons, Parshley, Gregerson, Santos, Ramel, Stearns, Goodman, Obras, Peterson, Cortes, Doglio, Ormsby, Pollet, Scott, Ryu, Nance, and Salahuddin)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to remedies for violations of federal
2 constitutional rights occurring during immigration enforcement;
3 adding a new section to chapter 4.24 RCW; creating a new section; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
7 to read as follows:

8 (1) Every person who, under color of any law, statute, ordinance,
9 regulation, custom, or usage, subjects, or causes to be subjected,
10 any citizen of the United States or other person within the
11 jurisdiction thereof to the deprivation of any rights, privileges, or
12 immunities secured by the Constitution of the United States during
13 civil immigration enforcement, shall be liable to the party injured
14 in an action at law, suit in equity, or other proper proceeding for
15 redress, except that in any action brought against a judicial officer
16 for an act or omission taken in such officer's judicial capacity,
17 injunctive relief shall not be granted unless a declaratory decree
18 was violated or declaratory relief was unavailable.

19 (2) In any action or proceeding under this section, the court, in
20 its discretion, may allow a prevailing plaintiff a reasonable
21 attorneys' fee as part of the costs, except that in any action

1 brought against a judicial officer for an act or omission taken in
2 such officer's judicial capacity such officer shall not be held
3 liable for any costs, including attorneys' fees, unless such action
4 was clearly in excess of such officer's jurisdiction. In awarding
5 attorneys' fees in any action or proceeding under this section, the
6 court, in its discretion, may include expert fees as part of the
7 attorneys' fees.

8 (3) A defendant in an action under this section may assert a
9 defense of absolute or qualified immunity to the same extent as a
10 person sued under 42 U.S.C. Sec. 1983 under like circumstances.
11 Nothing in this section waives or abrogates any defense of sovereign
12 immunity otherwise available to a party.

13 (4) The definitions in this subsection apply throughout this
14 section unless the context clearly requires otherwise.

15 (a) "Civil immigration enforcement" means any action to
16 investigate, question, detain, transfer, arrest, or remove any person
17 for the purpose of enforcing civil immigration law.

18 (b) "Color of any law, statute, ordinance, regulation, custom, or
19 usage" includes color of any statute, ordinance, regulation, custom,
20 or usage, of the United States and of any state or territory or the
21 District of Columbia.

22 (5) A civil action described in this section must be commenced
23 within two years after the cause of action accrues.

24 NEW SECTION. **Sec. 2.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
29 conflict with federal requirements that are a prescribed condition to
30 the allocation of federal funds to the state, the conflicting part of
31 this act is inoperative solely to the extent of the conflict and with
32 respect to the agencies directly affected, and this finding does not
33 affect the operation of the remainder of this act in its application
34 to the agencies concerned. Rules adopted under this act must meet
35 federal requirements that are a necessary condition to the receipt of
36 federal funds by the state.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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