
HOUSE BILL 2597

State of Washington

69th Legislature

2026 Regular Session

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 01/20/26. Referred to Committee on Civil Rights & Judiciary.

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 new sections; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

7 (1) Since the earliest days of the nation, the United States
8 supreme court has held, in cases such as *Little v. Barreme*, 6 U.S.
9 170 (1804), and *Murray v. The Charming Betsey*, 6 U.S. 64 (1804), that
10 federal officials may be liable in damages for violations of federal
11 laws.

12 (2) The United States supreme court has long held that federal
13 employees are not inherently beyond the reach of state laws simply
14 because they are federal employees. For example, in *Johnson v.*
15 *Maryland*, 254 U.S. 51 (1920), the court noted, "[A]n employee of the
16 United States does not secure a general immunity from state law while
17 acting in the course of his employment," and in *Colorado v. Symes*,
18 286 U.S. 510 (1932), the court stated, "Federal officers and
19 employees are not, merely because they are such, granted immunity
20 from prosecution in state courts for crimes against state law."

1 (3) Decades later, the United States supreme court continued to
2 recognize the role of state law in holding federal officials
3 accountable for legal violations, noting in *Wheeldin v. Wheeler*, 373
4 U.S. 647 (1963), "[w]hen it comes to suits for damages for abuse of
5 power, federal officials are usually governed by local law."

6 (4) When the United States supreme court recognized a federal law
7 cause of action for violation of certain constitutional rights in
8 *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971),
9 that cause of action was in addition to, rather than instead of,
10 traditional state law remedies. Even one of the dissenting justices
11 in *Bivens* noted the ongoing role of state law, writing, "The task of
12 evaluating the pros and cons of creating judicial remedies for
13 particular wrongs is a matter for Congress and the legislatures of
14 the States."

15 (5) More recently, congress has made federal statutory law the
16 exclusive remedy for certain claims sounding in tort, but this
17 exclusivity specifically "does not extend or apply to a civil action
18 against an employee of the Government... which is brought for a
19 violation of the Constitution of the United States..." 28 U.S.C. Sec.
20 2679. The prime sponsor of legislation amending the federal tort
21 claims act to provide for limited exclusivity took pains to clarify,
22 "We make special provisions here to make clear that the more
23 controversial issue of constitutional torts is not covered by this
24 bill. If you are accused of having violated someone's constitutional
25 rights, this bill does not affect it." 134 Cong. Rec. 15963 (1988).

26 (6) In 2022, in declining to extend the scope of the *Bivens*
27 action in *Egbert v. Boule*, 596 U.S. 482 (2022), the United States
28 supreme court observed that legislatures, not courts, are the better
29 branches of government to fashion damages remedies.

30 (7) In its most recently completed term, the United States
31 supreme court declined, in *Martin v. United States*, 145 S. Ct. 1689
32 (2025), to extend the doctrine of supremacy clause immunity beyond
33 its traditional criminal law context.

34 (8) Violating the federal constitutional rights of residents of
35 the United States has never been and can never be "necessary and
36 proper" to the execution of the laws and powers of the United States
37 within the meaning of Article I, section 8, clause 18 of the United
38 States Constitution.

1 (9) In enacting this act, Washington affirms its longstanding and
2 rightful role as a sovereign state in providing a forum in its courts
3 for adjudication of claims of federal constitutional violations.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
5 to read as follows:

6 (1)(a) A person who is injured during civil immigration
7 enforcement by any government agent who, whether or not under color
8 of law, violates the United States Constitution while participating
9 in civil immigration enforcement, may bring a civil action against
10 the government agent in any court.

11 (b) A person found to have violated the United States
12 Constitution while participating in civil immigration enforcement is
13 liable to the injured person for legal relief, equitable relief, and
14 any other appropriate relief. A prevailing plaintiff may recover
15 compensatory and punitive damages.

16 (2)(a) In an action brought pursuant to this section, a court
17 shall award reasonable attorney fees and costs to a prevailing
18 plaintiff. In actions for injunctive relief, a court shall deem a
19 plaintiff to have prevailed if the plaintiff's suit was a substantial
20 factor or significant catalyst in obtaining the results sought by the
21 litigation.

22 (b) When a judgment is entered in favor of a defendant, the court
23 may award reasonable attorney fees and costs to the defendant for
24 defending any claims the court finds frivolous.

25 (3) To the maximum extent permissible under the United States and
26 Washington Constitutions, a grant of any immunity to a defendant
27 including, but not limited to, sovereign immunity, official immunity,
28 intergovernmental immunity, qualified immunity, supremacy clause
29 immunity, statutory immunity, or common law immunity, does not apply
30 in any action brought pursuant to this section.

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

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

36 (b) "Government agent" means any officer, employee, contractor,
37 or other agent of any local or state government, or of the United
38 States federal government, whose duties include: (i) The enforcement

1 of local, state, or federal laws; (ii) the maintenance of public
2 safety or order; or (iii) local, state, or national defense.

3 (5) A civil action described in this section must be commenced
4 within three years after the cause of action accrues.

5 NEW SECTION. **Sec. 3.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 4.** If any part of this act is found to be in
10 conflict with federal requirements that are a prescribed condition to
11 the allocation of federal funds to the state, the conflicting part of
12 this act is inoperative solely to the extent of the conflict and with
13 respect to the agencies directly affected, and this finding does not
14 affect the operation of the remainder of this act in its application
15 to the agencies concerned. Rules adopted under this act must meet
16 federal requirements that are a necessary condition to the receipt of
17 federal funds by the state.

18 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of
20 the state government and its existing public institutions, and takes
21 effect immediately.

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