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H.849

~~SHORT FORM~~

Introduced by Representative LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Court procedure; civil action for damages; constitutional rights

Statement of purpose of bill as introduced: This bill proposes to authorize any person to bring a civil action for damages against a federal, State, or local government official for interference with or violations of State or federal constitutional rights.

~~An act relating to a civil action for damages for interference with State or federal constitutional rights by any government official.~~

An act relating to a civil action for damages for deprivation of federal constitutional rights by any government official

It is hereby enacted by the General Assembly of the State of Vermont:

~~(TEXT OMITTED IN SHORT FORM BILLS)~~

Sec. 1. 12 V.S.A. chapter 205 is added to read:

CHAPTER 205. DEPRIVATION OF CONSTITUTIONAL RIGHTS

§ 5797. CIVIL ACTION

(a) Every person who, under color of any statute, ordinance, regulation, custom, or usage, subjects or causes to be subjected any citizen of the State of

Vermont or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in the officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

(b) For purposes of this section, "color of any statute, ordinance, regulation, custom, or usage" includes color of any statute, ordinance, regulation, custom, or usage of the United States and of any U.S. state or territory or the District of Columbia.

(c) Any defense available to a defendant under 42 U.S.C. § 1983 is likewise and to the same extent available to any defendant in an action brought under subsection (a) of this section. This subsection does not alter, amend, create, or support a qualified or absolute immunity defense in any other action or proceeding brought under any other provision of Vermont law.

(d) It is the intent of the General Assembly that, in construing this section, the courts of this State will be guided by the construction of 42 U.S.C. § 1983, as amended, as interpreted by the courts of the United States.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2026.