

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9189

To establish an express cause of action for violations of the right to record, observe, or peacefully protest law enforcement activities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2026

Mr. FROST introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish an express cause of action for violations of the right to record, observe, or peacefully protest law enforcement activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Right to Record Act  
5 of 2026”.

1 **SEC. 2. SENSE OF CONGRESS REGARDING FIRST AMEND-**  
2 **MENT AND RIGHT TO RECORD, OBSERVE, OR**  
3 **PEACEFULLY PROTEST.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress that—

6 (1) the First Amendment to the Constitution of  
7 the United States protects, among other things, the  
8 right to record law enforcement officers and other  
9 public officials in public view, observe the actions of  
10 law enforcement officers and other public officials in  
11 public view, protest peacefully, and engage in other  
12 expressive activities; and

13 (2) while the First Amendment already protects  
14 the right to record, observe, or peacefully protest law  
15 enforcement, Congress can enhance the remedies  
16 available to individuals who are deprived of this  
17 right by establishing an express statutory cause of  
18 action for such rights violations.

19 **SEC. 3. RIGHT TO RECORD, OBSERVE, OR PEACEFULLY**  
20 **PROTEST LAW ENFORCEMENT ACTIVITIES.**

21 (a) RIGHT TO RECORD, OBSERVE, OR PEACEFULLY  
22 PROTEST LAW ENFORCEMENT ACTIVITIES.—A person  
23 has the right to record, observe, or peacefully protest law  
24 enforcement activities, except in cases described under  
25 subsection (c).

26 (b) CAUSE OF ACTION.—

1           (1) LIABILITY OF OFFICERS.—Any Federal law  
2 enforcement officer who, while acting under color of  
3 law, violates a person’s right to record, observe, or  
4 peacefully protest law enforcement activities shall be  
5 liable to the party injured in a civil action with re-  
6 spect to such violation in the appropriate district  
7 court for redress, including an award of the greater  
8 of actual damages or statutory damages in the  
9 amount of \$25,000 for each violation, and punitive  
10 damages up to \$100,000 for each violation engaged  
11 in with malice or reckless disregard for the federally  
12 protected rights of the party injured.

13           (2) LIABILITY OF THE UNITED STATES.—If,  
14 while acting under color of law, any Federal law en-  
15 forcement officer violates a person’s right to record,  
16 observe, or peacefully protest law enforcement activi-  
17 ties, the United States shall be liable to the party  
18 injured for the conduct of the officer in a civil action  
19 with respect to such violation in the appropriate dis-  
20 trict court for redress, including the greater of an  
21 award of actual damages or statutory damages in  
22 the amount of \$25,000 for each violation, and puni-  
23 tive damages up to \$100,000 for each violation en-  
24 gaged in with malice or reckless disregard for the  
25 federally protected rights of the party injured, re-

1        regardless of whether a policy or custom of the Fed-  
2        eral law enforcement agency that employs or con-  
3        tracts with the officer caused the violation, and re-  
4        gardless of whether the officer has any defense or  
5        immunity from suit or liability. This paragraph shall  
6        constitute a waiver of sovereign immunity with re-  
7        spect to Federal law enforcement agencies for any  
8        claim brought under this Act. Nothing in this para-  
9        graph shall be construed to limit or preclude any  
10       legal, equitable, or other remedy that is available,  
11       under this section or under any other source of law,  
12       against an individual officer.

13            (3) VIOLATIONS.—A violation of the right to  
14       record, observe, or peacefully protest law enforce-  
15       ment activities includes the following:

16            (A) Preventing or attempting to prevent a  
17       person from recording, observing, or peacefully  
18       protesting law enforcement activities.

19            (B) Threatening, intimidating, or coercing  
20       a person with any negative consequences, in-  
21       cluding the addition of the personal information  
22       or biometric characteristics of the person into  
23       any database, in response to the person's re-  
24       cording, observing, or peacefully protesting law  
25       enforcement activities.

1           (C) Pursuing a person to a different loca-  
2           tion because the person recorded, observed, or  
3           peacefully protested law enforcement activities.

4           (D) Attempting to surveil or use surveil-  
5           lance powers to attempt to identify a person in  
6           order to intimidate or take other retaliatory ac-  
7           tion against that person because the person re-  
8           corded, observed, or peacefully protested law  
9           enforcement activities.

10          (E) Commanding that a person cease re-  
11          cording, observing, or peacefully protesting law  
12          enforcement activities when the person was not  
13          prohibited by law or court order to engage in  
14          such activities.

15          (F) Stopping, seizing, searching, ticketing,  
16          or arresting a person because the person re-  
17          corded, observed, or peacefully protested law  
18          enforcement activities.

19          (G) Demanding to see the identification of  
20          a person or interrogating or otherwise  
21          harassing a person because the person recorded,  
22          observed, or peacefully protested law enforce-  
23          ment activities.

1           (H) Unlawfully seizing property or instru-  
2           ments used by a person to record, observe, or  
3           peacefully protest law enforcement activities.

4           (I) Unlawfully destroying or seizing a re-  
5           corded image or recorded images of law enforce-  
6           ment activities, or copying such a recording of  
7           law enforcement activities, without the consent  
8           of the person who recorded it or without ap-  
9           proval from an appropriate court.

10          (J) Otherwise retaliating against a person  
11          because the person recorded, observed, or  
12          peacefully protested law enforcement activities.

13          (c) LIMITATION.—

14           (1) IN GENERAL.—Except as provided in para-  
15           graph (2), a person has no right to record, observe,  
16           or peacefully protest law enforcement activities pur-  
17           suant to subsection (a) if the person physically re-  
18           stricts or restrains an officer taking official actions  
19           while acting under color of law.

20           (2) EXCEPTION.—Paragraph (1) shall not  
21           apply to the mere act of recording, observing, or  
22           peacefully protesting law enforcement activities, or  
23           positioning oneself to record, observe, or peacefully  
24           protest law enforcement activities, even if such ac-

1       tion is taken close to, in front of, or near the ex-  
2       pected path of an officer acting under color of law.

3       (d) ATTORNEY'S FEES AND COSTS.—The court shall  
4       award reasonable attorney's fees and costs to a prevailing  
5       plaintiff.

6       (e) TRAINING.—Not later than 1 year after the date  
7       of enactment of this Act, and annually thereafter, the head  
8       of each Federal law enforcement agency shall provide to  
9       every Federal law enforcement officer training on how to  
10      enforce the law while respecting the right to record, ob-  
11      serve, or peacefully protest law enforcement activities.

12      (f) DEFINITIONS.—In this section:

13           (1) FEDERAL LAW ENFORCEMENT AGENCY.—  
14      The term “Federal law enforcement agency” means  
15      any agency of the United States authorized to en-  
16      force Federal criminal law or Federal immigration  
17      law.

18           (2) FEDERAL LAW ENFORCEMENT OFFICER.—  
19      The term “Federal law enforcement officer”—

20           (A) has the meaning given the term in sec-  
21      tion 115 of title 18, United States Code; and

22           (B) includes an immigration officer.

23           (3) IMMIGRATION OFFICER.—The term “immig-  
24      ration officer” has the meaning given the term

1 “immigration officer” in section 101 of the Immi-  
2 gration and Nationality Act (8 U.S.C. 1101).

3 (4) LAW ENFORCEMENT ACTIVITIES.—The  
4 term “law enforcement activities” means the official  
5 actions taken in public view by an officer acting  
6 under color of law.

7 (5) OBSERVE.—The term “observe” means to  
8 watch or otherwise perceive.

9 (6) PEACEFULLY PROTEST.—The term “peace-  
10 fully protest” means to engage in constitutionally  
11 protected expression or assembly.

12 (7) PUBLIC VIEW.—The term “public view”  
13 means anything that can be seen from any place  
14 where an individual cannot be deemed to be tres-  
15 passing, including parks, sidewalks, and roads, or a  
16 privately owned place where the individual is lawfully  
17 present.

18 (8) RECORD.—The term “record” means cre-  
19 ating a written, visual, or audio record.

20 **SEC. 4. RULES OF CONSTRUCTION.**

21 (a) BROAD CONSTRUCTION.—This Act shall be con-  
22 strued in favor of a broad protection of the right to record,  
23 observe, or peacefully protest law enforcement activities  
24 and the right to access and document information about  
25 matters of public interest, to the maximum extent per-

1 mitted by the terms of this Act and the Constitution of  
2 the United States.

3 (b) NO DIMINISHMENT OF OTHER FIRST AMEND-  
4 MENT RIGHTS AND REMEDIES.—Nothing in this Act shall  
5 be construed to—

6 (1) diminish constitutional and statutory pro-  
7 tections for any activity outside the scope of this Act  
8 that is otherwise covered by the First Amendment to  
9 the Constitution of the United States;

10 (2) preclude any cause of action that may arise  
11 under the laws of the United States, a State, or a  
12 unit of local government for any violation of such  
13 First Amendment rights; or

14 (3) limit or preclude any legal, equitable, or  
15 other remedy that is available in any action for any  
16 violation of such First Amendment rights.

17 (c) NO PRECLUSION OF OTHER CAUSES OF AC-  
18 TION.—Nothing in this Act shall be construed to preclude  
19 any other cause of action that may arise under the laws  
20 of the United States, a State, or a unit of local government  
21 for any violation by an officer acting under color of law  
22 of the right to record, observe, or peacefully protest law  
23 enforcement activities.

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