

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

# S. 3625

To amend the Revised Statutes to remove the defense of qualified immunity in the case of any action under section 1979, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2026

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Revised Statutes to remove the defense of qualified immunity in the case of any action under section 1979, 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 “Qualified Immunity  
5       Abolition Act of 2026”.

6       **SEC. 2. REMOVAL OF QUALIFIED IMMUNITY.**

7       Section 1979 of the Revised Statutes (42 U.S.C.  
8       1983) is amended—

9               (1) by inserting “(a)” before “Every person”;

10       and

1 (2) by adding at the end the following:

2 “(b) It shall not be a defense to any action brought  
3 against a Federal, State, or local law enforcement officer  
4 that is pending on, or filed after, the date of enactment  
5 of this subsection that, at the time of the deprivation—

6 “(1) the defendant was acting in good faith;

7 “(2) the defendant believed, reasonably or oth-  
8 erwise, that his or her conduct was lawful;

9 “(3) the rights, privileges, or immunities se-  
10 cured by the Constitution and laws were not clearly  
11 established; or

12 “(4) the state of the law was such that the de-  
13 fendant could not reasonably have been expected to  
14 know whether his or her conduct was lawful.”.

15 **SEC. 3. CIVIL ACTION AGAINST FEDERAL LAW ENFORCE-**  
16 **MENT OFFICERS ACTING UNDER FEDERAL**  
17 **AUTHORITY.**

18 Subsection (a) of section 1979 of the Revised Stat-  
19 utes (42 U.S.C. 1983), as so designated by section 4 of  
20 this Act, is amended by inserting “and every Federal law  
21 enforcement officer who, under color of any statute, ordi-  
22 nance, regulation, custom, or usage of the United States,”  
23 before “subjects”.

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