

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
CAUSES OF ACTION -- THE RHODE ISLAND FEDERAL CONSTITUTION DEFENSE
ACT

Introduced By: Representatives Potter, McEntee, Morales, Kislak, Sanchez, Speakman,
Ajello, Stewart, Cruz, and Giraldo

Date Introduced: January 21, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby
amended by adding thereto the following section:

9-1-55. The Rhode Island Federal Constitution defense act -- Cause of action.

(a) Any person or persons who, acting under color of any federal law subjects or causes to
be subjected any person within the jurisdiction of the State of Rhode Island to a deprivation of any
rights, privileges, or immunities secured by the Constitution of the United States, or whose exercise
or enjoyment of those rights, privileges, or immunities has been interfered with or attempted to be
interfered with, by threats, intimidation or coercion, shall be liable to the party injured in an action
at law, suit in equity, or other proper proceeding for redress.

(b) Immunities not applicable as a defense.

(1) This act does not grant any immunities to a person or persons as a defense. Any
immunity provided under Rhode Island general laws or recognized under state common law shall
not apply and shall not be a defense to a cause of action brought under subsection (a) of this section.

(2) As far as permissible under the Federal Constitution, any existing immunity provided
against liability, damages, or attorneys' fees under federal law shall not apply to and shall not be a
defense to a cause of action brought under subsection (a) of this section.

(c) Notwithstanding the provisions of §§ 9-1-13 and 9-1-14, an action arising under this
section shall be commenced within three (3) years of the occurrence of the incident which gave rise

1 to the action; provided that, a person who is under disability by reason of age, mental incompetence,
2 or otherwise, and on whose behalf no action is brought within the period of three (3) years from
3 the time of the occurrence of the incident, shall bring the action within three (3) years from the
4 removal of the disability.

5 (d) In addition to any damages, injunction, declaration, or other equitable relief awarded in
6 an action brought pursuant to this section, a court shall award reasonable attorneys' fees and costs
7 to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have
8 prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results
9 sought by the litigation.

10 (e)(1) An action under this section shall be deemed an action brought "for a violation of
11 the Constitution of the United States" within the meaning of 28 U.S.C. § 2679(b)(2)(A).

12 (2) This section shall not be construed to impose duties on federal officials beyond those
13 already imposed by the United States Constitution.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
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1 This act would create a Rhode Island civil cause of action allowing individuals to sue
2 persons acting under color of federal law for violations of Federal Constitutional rights committed
3 under color of federal law.

4 This act would take effect upon passage.

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