

S 3415

Constitutional Accountability Act

Congress: 117 (2021–2023, Ended)

Chamber: Senate

Policy Area: Civil Rights and Liberties, Minority Issues

Introduced: Dec 16, 2021

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Dec 16, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/senate-bill/3415>

Sponsor

Name: Sen. Whitehouse, Sheldon [D-RI]

Party: Democratic • **State:** RI • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Dec 16, 2021

Subjects & Policy Tags

Policy Area:

Civil Rights and Liberties, Minority Issues

Related Bills

No related bills are listed.

Constitutional Accountability Act

This bill extends civil liability to federal, state, and local government entities and officials for constitutional violations committed by law enforcement officers.

Current law provides a statutory civil cause of action against state and local government actors (e.g., law enforcement) for violations of constitutional rights (also known as Section 1983 lawsuits); the Supreme Court has also found an implied cause of action against federal law enforcement officers in certain situations (e.g., Fourth Amendment violations).

However, under the judicial doctrine of qualified immunity, government officials performing discretionary duties are generally shielded from civil liability except when their actions violate clearly established rights of which a reasonable person would have known. Additionally, under the doctrine of sovereign immunity, federal and state government entities generally cannot be sued without their consent. Further, the Supreme Court has held that a local government entity cannot be sued for an injury inflicted by its employees.

The bill provides a statutory civil cause of action against and extends liability to federal, state, and local government entities and officials for violations of constitutional rights committed by law enforcement officers in their employment, regardless of any immunity that would otherwise apply.

Actions Timeline

- **Dec 16, 2021:** Introduced in Senate
- **Dec 16, 2021:** Read twice and referred to the Committee on the Judiciary.