

S 122

Qualified Immunity Act of 2025

Congress: 119 (2025–2027, Current)

Chamber: Senate

Policy Area: Civil Rights and Liberties, Minority Issues

Introduced: Jan 16, 2025

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

Latest Action: Read twice and referred to the Committee on the Judiciary. (Jan 16, 2025)

Official Text: <https://www.congress.gov/bill/119th-congress/senate-bill/122>

Sponsor

Name: Sen. Banks, Jim [R-IN]

Party: Republican • **State:** IN • **Chamber:** Senate

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blackburn, Marsha [R-TN]	R · TN		Jan 16, 2025
Sen. Budd, Ted [R-NC]	R · NC		Jan 16, 2025
Sen. Crapo, Mike [R-ID]	R · ID		Jan 16, 2025
Sen. Hyde-Smith, Cindy [R-MS]	R · MS		Jan 16, 2025
Sen. Mullin, Markwayne [R-OK]	R · OK		Jan 16, 2025
Sen. Risch, James E. [R-ID]	R · ID		Jan 16, 2025
Sen. Scott, Rick [R-FL]	R · FL		Jan 16, 2025
Sen. Sheehy, Tim [R-MT]	R · MT		Jan 16, 2025
Sen. Cassidy, Bill [R-LA]	R · LA		Jan 17, 2025
Sen. Moreno, Bernie [R-OH]	R · OH		Mar 24, 2025

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jan 16, 2025

Subjects & Policy Tags

Policy Area:

Civil Rights and Liberties, Minority Issues

Related Bills

Bill	Relationship	Last Action
119 HR 503	Related bill	Jan 16, 2025: Referred to the House Committee on the Judiciary.

Qualified Immunity Act of 2025

This bill provides statutory authority for qualified immunity for law enforcement officers in civil cases involving constitutional violations.

Current law provides a statutory civil cause of action against state and local government actors (e.g., law enforcement officers) 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), also known as *Bivens* lawsuits. However, under the judicial doctrine of qualified immunity, government officials performing discretionary duties are generally shielded from civil liability, unless their actions violate clearly established rights of which a reasonable person would have known.

The bill provides statutory authority for these principles with respect to law enforcement officers. Specifically, under the bill, law enforcement officers are entitled to qualified immunity if (1) at the time of the alleged violation, the constitutional right at issue was not clearly established or the state of the law was not sufficiently clear that any reasonable officer would have known that the conduct was unconstitutional; or (2) a court has held that the specific conduct at issue is constitutional.

The bill applies to federal, state, and local law enforcement officers. It also specifies that law enforcement agencies and local governments may not be held liable if their officers are entitled to qualified immunity.

