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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To reform qualified immunity standards for officers and agents of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection engaged in law enforcement activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GOLDMAN of New York introduced the following bill; which was referred to the Committee on _____

A BILL

To reform qualified immunity standards for officers and agents of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection engaged in 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 “ICE OUT Act”.

1 **SEC. 2. REFORMING QUALIFIED IMMUNITY STANDARDS**
2 **FOR ICE AGENTS ENGAGED IN LAW EN-**
3 **FORCEMENT ACTIVITIES.**

4 Section 1979 of the Revised Statutes (42 U.S.C.
5 1983) is amended—

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

7 (2) by inserting “of the United States or” be-
8 fore “of any State”; and

9 (3) by adding at the end the following:

10 “(b) In the case of any action brought under this sec-
11 tion or any other Federal law against an officer or agent
12 of U.S. Immigration and Customs Enforcement or U.S.
13 Customs and Border Protection engaged in law enforce-
14 ment—

15 “(1) no immunity defense shall be available if
16 the facts alleged by the plaintiff would constitute ex-
17 cessive force in violation of the 4th amendment; and

18 “(2) in all other cases, an immunity defense
19 shall only be available if the defendant acted in a
20 manner consistent with rights, privileges, or immuni-
21 ties secured by the Constitution and laws clearly es-
22 tablished at the time at which the conduct subject
23 to the cause of action occurred.

24 “(c) In determining when immunity shall apply under
25 subsection (b)(2), a court must first determine whether
26 the facts alleged would constitute a violation of the rights,

1 privileges, or immunities secured by the Constitution prior
2 to determining whether any such rights were clearly estab-
3 lished at the time at which the conduct subject to the
4 cause of action occurred.”.