

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

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3/31/26

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LLS NO. 26-0941.01 Conrad Imel x2313

SENATE BILL

SENATE SPONSORSHIP

Weissman and Gonzales J.,

HOUSE SPONSORSHIP

Mabrey and Zokaie,

BILL TOPIC: State Remedies for Constitutional Rights Violation
DEADLINES: File by: 4/10/2026

A BILL FOR AN ACT

101 CONCERNING STATE COURT REMEDIES FOR VIOLATIONS OF FEDERAL
102 CONSTITUTIONAL RIGHTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

A person who, under color of any law, subjects, or causes to be subjected, another person to the deprivation of any rights, privileges, or immunities secured by the United States constitution is liable to the injured party for legal or equitable relief. An action alleging a deprivation of constitutional rights must be commenced within 2 years after the cause of action accrues.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-20-1302 as
3 follows:

4 **13-20-1302. Liability for violation of constitutional rights -**
5 **relief - attorney fees - time limit to commence action - definition.**

6 (1) A PERSON WHO, UNDER COLOR OF ANY LAW, STATUTE,
7 ORDINANCE, REGULATION, CUSTOM, OR USAGE, SUBJECTS, OR CAUSES TO
8 BE SUBJECTED, A PERSON IN COLORADO TO THE DEPRIVATION OF ANY
9 RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE UNITED STATES
10 CONSTITUTION IS LIABLE TO THE INJURED PARTY IN AN ACTION AT LAW,
11 SUIT IN EQUITY, OR OTHER PROPER PROCEEDING FOR REDRESS; EXCEPT
12 THAT, IN AN ACTION BROUGHT AGAINST A JUDICIAL OFFICER FOR AN ACT
13 OR OMISSION TAKEN IN THE OFFICER'S JUDICIAL CAPACITY, INJUNCTIVE
14 RELIEF SHALL NOT BE GRANTED UNLESS A DECLARATORY DECREE WAS
15 VIOLATED OR DECLARATORY RELIEF WAS UNAVAILABLE.

16 (2) (a) IN AN ACTION OR PROCEEDING BROUGHT PURSUANT TO THIS
17 SECTION, THE COURT, IN ITS DISCRETION, MAY ALLOW A PREVAILING
18 PLAINTIFF REASONABLE ATTORNEY FEES AS PART OF THE COSTS; EXCEPT
19 THAT, IN AN ACTION BROUGHT AGAINST A JUDICIAL OFFICER FOR AN ACT
20 OR OMISSION TAKEN IN THE OFFICER'S JUDICIAL CAPACITY, THE OFFICER
21 SHALL NOT BE HELD LIABLE FOR ANY COSTS, INCLUDING ATTORNEY FEES,
22 UNLESS THE OFFICER'S ACT OR OMISSION WAS CLEARLY IN EXCESS OF THE
23 OFFICER'S JURISDICTION. IN AWARDING ATTORNEY FEES, THE COURT, IN ITS
24 DISCRETION, MAY INCLUDE EXPERT FEES AS PART OF THE ATTORNEY FEES.

25 (b) WHEN A JUDGMENT IS ENTERED IN FAVOR OF A DEFENDANT,
26 THE COURT MAY AWARD REASONABLE COSTS AND ATTORNEY FEES TO THE

1 DEFENDANT FOR DEFENDING ANY CLAIMS THE COURT FINDS FRIVOLOUS.

2 (3) PURSUANT TO SECTION 13-80-102, A CIVIL ACTION BROUGHT
3 PURSUANT TO THIS SECTION MUST BE COMMENCED WITHIN TWO YEARS
4 AFTER THE CAUSE OF ACTION ACCRUES.

5 (4) AS USED IN THIS SECTION, "COLOR OF ANY LAW, STATUTE,
6 ORDINANCE, REGULATION, CUSTOM, OR USAGE" INCLUDES COLOR OF ANY
7 LAW, STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE OF THE
8 UNITED STATES AND OF COLORADO AND A POLITICAL SUBDIVISION
9 THEREOF.

10 **SECTION 2.** In Colorado Revised Statutes, 13-80-102, **amend**
11 (1)(k); and **add** (1)(l) as follows:

12 **13-80-102. General limitation of actions - two years.**

13 (1) The following civil actions, regardless of the theory upon
14 which suit is brought, or against whom suit is brought, must be
15 commenced within two years after the cause of action accrues, and not
16 thereafter:

17 (k) All actions brought ~~under~~ PURSUANT TO section 13-21-109 (2);
18 AND

19 (l) AN ACTION ALLEGING A DEPRIVATION OF CONSTITUTIONAL
20 RIGHTS BROUGHT PURSUANT TO SECTION 13-20-1302.

21 **SECTION 3. Severability.** If any provision of this act or the
22 application of this act to any person or circumstance is held invalid, the
23 invalidity does not affect other provisions or applications of the act that
24 can be given effect without the invalid provision or application, and to
25 this end the provisions of this act are declared to be severable.

26 **SECTION 4. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for
2 the support and maintenance of the departments of the state and state
3 institutions.