

AMENDED IN SENATE JANUARY 22, 2026

AMENDED IN SENATE JANUARY 5, 2026

AMENDED IN SENATE SEPTEMBER 12, 2025

AMENDED IN SENATE MAY 1, 2025

AMENDED IN SENATE MARCH 24, 2025

**SENATE BILL**

**No. 747**

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**Introduced by Senators Wiener and Wahab**

(Principal coauthor: Assembly Member Mark González)

**(Coauthors: Senators *Becker*, *Caballero*, *Cortese*, *Durazo*, *Gonzalez*,  
*McNerney*, *Pérez*, and *Rubio*)**

(Coauthors: Assembly Members Ahrens, Ávila Farías, Bryan, Connolly,  
Elhawary, Garcia, Haney, Jackson, Ortega, Quirk-Silva, and Rogers)

February 21, 2025

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An act to add Section 53.8 to the Civil Code, relating to civil ~~rights,~~  
~~and declaring the urgency thereof, to take effect immediately.~~ *rights.*

LEGISLATIVE COUNSEL'S DIGEST

SB 747, as amended, Wiener. Civil rights: deprivation of federal constitutional rights, privileges, and immunities.

Under existing law, the Tom Bane Civil Rights Act (act), if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the

people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured.

Under that act, an individual may also institute and prosecute in their own name and on their own behalf a civil action for damages, as described, for any resulting interference or attempt at interference of the individual's exercise or enjoyment of rights secured by the Constitution or laws of the United States or this state. That act requires the aforementioned actions to be filed in either the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which a person whose conduct complained of resides or has their place of business (venue requirement). The act authorizes the court to award the petitioner or plaintiff reasonable attorney's fees in addition to any damages, injunction, or other equitable relief awarded in these civil actions (attorney's fees authorization).

Existing federal law provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state, territory, or the District of Columbia, subjects or causes to be subjected any United States citizen or other person within the jurisdiction to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, is liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except as provided.

This bill would also provide that every person who, under color of any law, statute, ordinance, regulation, custom, or usage, as defined, subjects or causes to be subjected any citizen of this state or any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the United States Constitution, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except as specified. The bill would apply the aforementioned venue requirement and attorney's fees authorization, except as specified, to any action brought under these provisions. The bill would authorize a court, in its discretion, to also award costs, except as specified, and expert fees to the prevailing plaintiff in any action brought under these provisions.

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*This* bill would authorize a defendant in an action brought under these provisions to assert a defense of absolute or qualified immunity to the same extent as a person sued under certain federal provisions under like circumstances, as specified, and would specify that nothing in these provisions is to be construed to waive or abrogate any defense of

sovereign immunity otherwise available to a party, as specified. The bill would prohibit any civil action brought under these provisions from being commenced later than 2 years after the date that the cause of action accrues. The bill would make its provisions severable. The bill would specify that these provisions apply retroactively to March 1, 2025. 2025, as provided.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~2/3~~-majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 53.8 is added to the Civil Code, to read:  
2 53.8. (a) This section shall be known, and may be cited, as the  
3 No Kings Act.  
4 (b) Every person who, under color of any law, statute, ordinance,  
5 regulation, custom, or usage, subjects, or causes to be subjected,  
6 any citizen of this state or any person within the jurisdiction thereof  
7 to the deprivation of any rights, privileges, or immunities secured  
8 by the United States Constitution, shall be liable to the party injured  
9 in an action at law, suit in equity, or other proper proceeding for  
10 redress, except that in any action brought against a judicial officer  
11 for an act or omission taken in the officer’s judicial capacity,  
12 injunctive relief shall not be granted unless a declaratory decree  
13 was violated or declaratory relief was unavailable.  
14 (c) An action brought pursuant to subdivision (b) may be filed  
15 either in the superior court for the county in which the conduct  
16 complained of occurred or in the superior court for the county in  
17 which a person whose conduct complained of resides or has their  
18 place of business.  
19 (d) A defendant in an action brought under subdivision (b) may  
20 assert a defense of absolute or qualified immunity to the same  
21 extent as a person sued under Section 1983 of Title 42 of the United  
22 States Code under like circumstances. This subdivision applies  
23 only to proceedings brought under subdivision (b), and does not  
24 alter, amend, create, or support a qualified or absolute immunity  
25 defense in any other action *or* proceeding brought under any other  
26 provision of California law.

1 (e) Nothing in this section shall be construed to waive or  
2 abrogate any defense of sovereign immunity otherwise available  
3 to a party. This subdivision applies only to proceedings brought  
4 under subdivision (b), and does not alter, amend, create, or support  
5 a sovereign immunity defense in any other action *or* proceeding  
6 brought under any other provision of California law.

7 (f) In any action or proceeding brought under this section, the  
8 court, in its discretion, may award a prevailing plaintiff reasonable  
9 attorney’s fees and costs, except that in any action brought against  
10 a judicial officer for an act or omission taken in the officer’s  
11 judicial capacity, the officer shall not be held liable for any fees  
12 or costs, except if the officer’s action was clearly in excess of the  
13 officer’s jurisdiction. In any action or proceeding brought under  
14 this section, the court, in its discretion, may award expert fees to  
15 the prevailing plaintiff.

16 (g) A civil action brought under subdivision (b) shall not be  
17 commenced later than two years after the date that the cause of  
18 action accrues.

19 (h) The provisions of this section are severable. If any provision  
20 of this section or its application is held invalid, that invalidity shall  
21 not affect other provisions or applications that can be given effect  
22 without the invalid provision or application.

23 (i) This section shall apply retroactively to March 1, ~~2025~~, 2025,  
24 *provided that, for any claim for a violation of the United States*  
25 *Constitution that occurred between March 1, 2025, and the*  
26 *effective date of this section, the only monetary damages that shall*  
27 *be available pursuant to this section for that constitutional*  
28 *violation are nominal and compensatory damages.*

29 (j) For purposes of this section, “color of any law, statute,  
30 ordinance, regulation, custom, or usage” includes color of any  
31 statute, ordinance, regulation, custom, or usage, of the United  
32 States and of any state or territory or the District of Columbia.

33 ~~SEC. 2. This act is an urgency statute necessary for the~~  
34 ~~immediate preservation of the public peace, health, or safety within~~  
35 ~~the meaning of Article IV of the California Constitution and shall~~  
36 ~~go into immediate effect. The facts constituting the necessity are:~~

1     In order to provide sufficient redress for the infringement of the  
2     civil liberties of all persons in the state as soon as possible, it is  
3     necessary for this act to take effect immediately.

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