

Justice for All Act

Rebalancing Federalism to Ensure Individual Rights and Remedies

State and Federal

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of the State or of the United States, subjects or causes to be subjected, any citizen of this State or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution of the State or of the Constitution of the United States, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Immunities Language

It shall not be a defense to any action that, at the time of the deprivation—

- a) the defendant was acting in good faith;
- b) the defendant believed, reasonably or otherwise, that his or her conduct was lawful;
- c) the rights, privileges, or immunities secured by the Constitution were not clearly established;
- d) the state of the law was such that the defendant could not reasonably have been expected to know whether his or her conduct was lawful; or
- e) the defendant was acting in a prosecutorial or judicial capacity.

State Only

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of the State ~~or of the United States~~, subjects or causes to be subjected, any citizen of this State or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution of the State or of the Constitution of the United States, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Federal Only

Every person who, under color of any statute, ordinance, regulation, custom, or usage, ~~of the State or~~ of the United States, subjects or causes to be subjected, any citizen of this State or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution of the State or of the Constitution of the United States, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Attorney Fees

In any proceeding under this act in which a plaintiff's claim prevails, the defendant shall be liable for reasonable attorney fees and other litigation costs, including fees incurred on an hourly or contingency basis, as well as by an attorney providing services pro bono. A plaintiff's claim shall be deemed to have prevailed if the plaintiff obtains any relief sought in the complaint, whether via judgment, settlement, or the defendant's voluntary action.