

AMENDMENT TO S. CON. RES. 33
OFFERED BY MS. JOHNSON OF TEXAS

Add at the end of title IV the following (and update
the table of contents accordingly):

1 **SEC. 4 ____ . SENSE OF CONGRESS ON LEGISLATION LIM-**
2 **ITING DEFENSE OR IMMUNITY FOR LOCAL**
3 **LAW ENFORCEMENT OFFICER AGAINST AC-**
4 **TION BROUGHT UNDER SECTION 1979 OF THE**
5 **REVISED STATUTES.**

6 It is the sense of Congress that Congress should
7 enact legislation to provide that—

8 (1) it shall not be a defense or immunity in any
9 action brought under section 1979 of the Revised
10 Statutes against a local law enforcement officer (as
11 such term is defined in section 2 of the George
12 Floyd Justice in Policing Act of 2025), or in any ac-
13 tion under any source of law against a Federal in-
14 vestigative or law enforcement officer (as such term
15 is defined in section 2680(h) of title 28, United
16 States Code), that—

17 (A) the defendant was acting in good faith,
18 or that the defendant believed, reasonably or

1 otherwise, that his or her conduct was lawful at
2 the time when the conduct was committed; or

3 (B) the rights, privileges, or immunities se-
4 cured by the Constitution and laws were not
5 clearly established at the time of their depriva-
6 tion by the defendant, or that at such time, the
7 state of the law was otherwise such that the de-
8 fendant could not reasonably have been ex-
9 pected to know whether his or her conduct was
10 lawful; and

11 (2) for purposes of section 242 of title 18,
12 United States Code, an act shall be considered to
13 have resulted in death if the act was a substantial
14 factor contributing to the death of the person

