

**HB 1634 - AS INTRODUCED**

2026 SESSION

26-3014  
09/08

HOUSE BILL            ***1634***

AN ACT                establishing state court remedies for violations of state and federal law by federal employees.

SPONSORS:            Rep. Read, Rock. 10; Rep. Wheeler, Hills. 33; Rep. Popovici-Muller, Rock. 17; Rep. Tom Mannion, Hills. 1; Rep. Ankarberg, Straf. 7; Rep. Beaulier, Graf. 1

COMMITTEE:          Judiciary

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ANALYSIS

This bill authorizes a state action against federal employees who violate state or federal law.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT establishing state court remedies for violations of state and federal law by federal employees.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Chapter; Claims against Federal Employees. Amend RSA by inserting after chapter 541-  
2 D the following new chapter:

3 CHAPTER 541-E

4 CLAIMS AGAINST FEDERAL EMPLOYEES

5 541-E:1 Definitions.

6 I. "Federal employee" means an individual employed or contracted by the federal  
7 government, deputized by the federal government, incorporated into a task force with the federal  
8 government, or working in active cooperation with the federal government.

9 II. "Federal government" means the executive departments, independent establishments of  
10 the United States, corporations acting as instrumentalities or agencies of the United States, and any  
11 contractor with the United States.

12 541-E:2 Violation of State or Federal Law by Federal Employee; Suit Authorized.

13 I. Any federal employee who, under color of any statute, ordinance, regulation, custom, or  
14 usage, of the federal government, violates the laws or constitution of this state or the United States,  
15 shall be liable to the party injured in an action at law for money damages. The injured party may  
16 bring an action in the superior court, and bears the burden of proving a violation of a law by a  
17 preponderance of the evidence.

18 II. The court's order shall be supported by findings of fact and conclusions of law. The court  
19 shall make the findings of facts in a bench trial and the jury shall make them in a jury trial. The  
20 court shall make conclusions of law.

21 III. The superior court shall apply the state's laws and rules of civil procedure in the action.

22 541-E:3 Attorney's Fees.

23 I. In any proceeding in which a plaintiff's claim prevails, the federal government shall be  
24 liable for reasonable attorney's fees and other litigation costs. Reasonable attorney's fees include  
25 those incurred on an hourly or contingency basis, or by an attorney providing services on a pro bono  
26 basis.

27 II. The court shall recognize that a plaintiff's claim prevails if the plaintiff obtains any relief  
28 the plaintiff seeks in its complaint, whether the relief is obtained via judgment, settlement, or the  
29 federal government's voluntary change in behavior.

1           III. Under this state's rules of civil procedure, the court may dismiss a frivolous claim and  
2 may award reasonable attorney's fees and costs to the defendant for defending against a frivolous  
3 claim.

4           541-A:4 Public Right to Information.

5           All documents related to any action brought pursuant to this chapter, including complaints,  
6 judgments, settlements, and consent decrees, shall be subject to RSA 91-A.

7           2 Effective Date. This act shall take effect January 1, 2027.