

109TH CONGRESS
2D SESSION

H. R. 5343

To protect State and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2006

Mr. GOHMERT introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To protect State and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CLARIFICATION OF JUDICIAL IMMUNITY.**

4 (a) IN GENERAL.—Chapter 21 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 464. Judicial immunity for administrative func-**
8 **tions**

9 “(a) IN GENERAL.—Subject to subsection (b), each
10 justice or judge of the United States and each justice or

1 judge of a State shall have immunity against any Federal
2 civil cause of action arising from or as a result of the dis-
3 charge of any legislatively or constitutionally authorized
4 duty, unless such justice or judge, in the course of dis-
5 charging such duty, was committing a crime.

6 “(b) OTHER IMMUNITY.—This section shall not pre-
7 empt any Federal or State law providing immunity in ad-
8 dition to the immunity provided by this section.”.

9 (b) CHAPTER ANALYSIS.—The chapter analysis for
10 chapter 21 of title 28, United States Code, is amended
11 by adding at the end the following:

“464. Judicial immunity for administrative functions.”.

