

109TH CONGRESS  
1ST SESSION

# S. 1318

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

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2005

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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), a jus-  
10 tice or judge of the United States or a State judge shall

1 have immunity against any Federal civil cause of action  
2 respecting the discharge of any legislatively or constitu-  
3 tionally authorized duty, except for actions involving mal-  
4 ice.

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

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

“Sec. 464. Judicial immunity for administrative functions.”.

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