

NM Civil Rights Commission

States with a Statutory Analogue to § 1983		
State	Statutory Analogue to § 1983	Additional Info
Arkansas	Ark. Code Ann. §§16-123-101 through 108 <u>Civil Rights Act</u>	- Includes attorney's fees
California	Cal. Civ. Code § 52.1 <u>Civil Rights Act</u>	- Includes attorney's fees
Colorado	Colo. Rev. Stat. Ann. § 13-21-131 <u>Bill</u>	- Only applies to "peace officers"
Maine	5 M.R.S.A. § 4682	- Only applies to violations carried out through use of force or threat of force, damage to property, or trespass - Includes attorney's fees
Massachusetts	Mass. Gen. Laws <u>Ch. 12, § 11I</u>	- Includes attorney's fees
Nebraska	Neb. Rev. Stat. §20-148 <u>Statute</u>	- Does not apply to political subdivisions or public officials
New Jersey	N.J. Rev. Stat. § 10:6-2 <u>Civil Rights Act</u>	- Includes attorney's fees

States with a Common Law Analogue to § 1983		
State	Common Law Analogue to § 1983	Additional Info
Alaska	Yes, restricted	- Only for <i>flagrant</i> violations
Connecticut	Yes, restricted	- Only specifically recognizes: search and seizure and false arrest
Illinois	Yes, restricted	- Only specifically recognizes: search and seizure
Iowa	Yes, restricted	- Only specifically recognizes: right of persons, searches & seizures, due process, equal protection
Louisiana	Yes, restricted	- Only specifically recognizes: right to privacy
Maryland	Yes, restricted	- Only specifically recognizes: due process and search and seizure
Michigan	Yes, restricted	- Restricted to only due process

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Mississippi	Yes, restricted	- Only specifically recognizes: search and seizure
Montana	Yes, restricted	- Only specifically recognizes: due process, search and seizure and privacy
New York	Yes, restricted	- Only specifically recognizes: equal protection and search and seizure
North Carolina	Yes, restricted	- Only specifically recognizes: free speech and due process and implied causes of action for all other rights in the Declaration of Rights where there is no analogous statutory cause of action
Utah	Yes, restricted	- Restricted to rights that are self-executing and situations where the constitutional violation is flagrant, existing remedies do not redress the injury, and equitable relief will not redress the injuries.
Vermont	Yes, restricted	- Specifically recognizes: common benefits, search and seizure, freedom of speech and of the press.
Virginia	Yes, restricted	- Only recognizes due process , specifically property deprivation and self-executing provisions
West Virginia	Yes, fairly broad	- Specifically recognizes: due process and excessive force - WV courts generally imply that private causes of action exist for all violations of the WV constitution
Wisconsin	Yes, restricted	- Specifically recognizes: due process - For other violations, must demonstrate <i>an intentional violation of the state constitution</i>

*it should be noted that while many of these states have only recognized causes of action for specific state constitutional violations, many of them have not ruled out causes of action for other state constitutional violations.

No Analogue to § 1983
State
Alabama
Arizona
Delaware
Florida
Georgia

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Hawaii
Idaho
Indiana
Kansas
Kentucky
Maine
Minnesota
Missouri
Nevada
New Hampshire
New Mexico
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Washington
Wyoming