



February 4, 2026

The Honorable Lola Smallwood-Cuevas
Chair, Senate Labor, Public Employment, and Retirement Committee
1021 O Street, Suite 6740
Sacramento, CA 95814

Re: S.B. 747 – SUPPORT (As Amended 1/22/26)

Dear Chair Umberg,

I write on behalf of the Electronic Frontier Foundation (EFF), a California-based non-profit organization that works to protect digital rights. We represent more than 30,000 active individual donors and members, including thousands in California.

EFF supports S.B. 747. This bill would allow a damages lawsuit against federal officials who violate the U.S. Constitution. This is a critical way to ensure that victims of constitutional violations have a complete remedy, and to deter constitutional violations in the first place. Unfortunately, gaps in current law often make it difficult to seek a damages remedy against federal officials who violate the U.S. Constitution. This bill would make it easier to bring such litigation.

Effective judicial remedies are critical to the protection of our digital rights. Federal law enforcement officials sometimes violate our First Amendment right to record on-duty police and other newsworthy subjects. They also sometimes violate our Fourth Amendment right to be free from unreasonable searches of our phones and laptops. When this happens, the people who suffer these violations should be able to sue these officials for damages. The opportunity to bring such lawsuits against federal officials is fundamental to enforcing the U.S. Constitution.

For these reasons, we support S.B. 747, and respectfully urge the committee's "aye" vote. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Adam Schwartz".

Adam Schwartz
Privacy Litigation Director
Electronic Frontier Foundation
adam@eff.org

cc: Honorable Members and Committee Staff, Senate Labor, Public Employment and Retirement Committee; Honorable Members and Committee Staff, Senate Judiciary Committee; Honorable Members and Committee Staff, Senate Appropriations Committee; Honorable Members and Committee Staff, Senate Rules Committee