

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 62
Feb 8, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40054-NBa-6

Short Title: Gov. Immigration Compliance/Enjoin Ordinances.

(Public)

Sponsors: Representative Cleveland.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE INJUNCTIVE RELIEF AGAINST CITIES AND COUNTIES
THAT ADOPT SANCTUARY POLICIES, ORDINANCES, OR PROCEDURES IN
VIOLATION OF STATE LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-145.5 reads as rewritten:

"§ 153A-145.5. Adoption of sanctuary ordinance ~~prohibited~~; injunctive relief.

(a) ~~No Any~~ county may have in effect any policy, ordinance, or procedure that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. law is null and void.

(b) No county shall do any of the following related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual:

- (1) Prohibit law enforcement officials or agencies from gathering such information.
- (2) Direct law enforcement officials or agencies not to gather such information.
- (3) Prohibit the communication of such information to federal law enforcement agencies.

(c) Any person may bring action in the appropriate division of the General Court of Justice seeking an injunction in accordance with G.S. 160A-205.2(c) through (e)."

SECTION 2. G.S. 160A-205.2 reads as rewritten:

"§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited~~; injunctive relief.

(a) ~~No Any~~ city may have in effect any policy, ordinance, or procedure that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. law is null and void.

(b) No city shall do any of the following related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual:

- (1) Prohibit law enforcement officials or agencies from gathering such information.
- (2) Direct law enforcement officials or agencies not to gather such information.
- (3) Prohibit the communication of such information to federal law enforcement agencies.

(c) The General Court of Justice has jurisdiction to enter mandatory or prohibitory injunctions to enjoin violations of this section. Any person may bring an action in the appropriate division of the General Court of Justice seeking such an injunction, and the plaintiff need not allege or prove special damage different from that suffered by the public at large. It is not a defense to such an action that there is an adequate remedy at law. Any injunction entered pursuant



* D R H 4 0 0 5 4 - N B A - 6 *

1 to this subsection shall describe the acts enjoined with reference to the violations of this section
2 that have been proved in the action. Actions brought pursuant to this subsection shall be set down
3 for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by
4 the trial and appellate courts.

5 (d) In any action brought pursuant to subsection (c) of this section in which a party
6 successfully obtains injunctive relief, the court may allow that party to recover its reasonable
7 attorneys' fees. The court may not assess attorneys' fees against the governmental body or
8 governmental unit if the court finds that the governmental body or governmental unit acted in
9 reasonable reliance on either of the following:

10 (1) A judgment or an order of a court applicable to the governmental unit or
11 governmental body.

12 (2) The published opinion of an appellate court, an order of the North Carolina
13 Business Court, or a final order of the Trial Division of the General Court of
14 Justice.

15 (e) If the court determines that an action brought pursuant to subsection (c) of this section
16 was filed in bad faith or was frivolous, the court shall assess a reasonable attorney's fee against
17 the person or persons instituting the action and award it to the governmental unit or governmental
18 body as part of the costs."

19 **SECTION 3.(a)** Effective July 1, 2021, there is appropriated from the General Fund
20 to the Department of Labor the sum of ten thousand dollars (\$10,000) in nonrecurring funds for
21 the 2021-2022 fiscal year to provide education for the public as to this act.

22 **SECTION 3.(b)** Effective July 1, 2021, there is appropriated from the General Fund
23 to the Office of State Budget and Management the sum of five thousand dollars (\$5,000) in
24 nonrecurring funds for the 2021-2022 fiscal year to provide grants to the following entities to
25 provide education for local governments as to this act:

26 (1) \$3,000 to the North Carolina League of Municipalities.

27 (2) \$2,000 to the North Carolina County Commissioners Association.

28 **SECTION 4.** This act is effective when it becomes law and applies to actions filed
29 on or after that date.