

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 62
Committee Substitute Favorable 3/9/21

Short Title: Gov. Immigration Compliance/Enjoin Ordinances.

(Public)

Sponsors:

Referred to:

February 9, 2021

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

5 The General Assembly of North Carolina enacts:

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

7 "**§ 153A-145.5. Adoption of sanctuary ordinance ~~prohibited~~**; injunctive relief.****

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

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

13 (1) Prohibit law enforcement officials or agencies from gathering such
14 information.

15 (2) Direct law enforcement officials or agencies not to gather such information.

16 (3) Prohibit the communication of such information to federal law enforcement
17 agencies.

18 (c) Any North Carolina resident who is either a citizen of the United States or has been
19 lawfully admitted for permanent residence as defined in 8 U.S.C. § 1101(a)(20) may bring action
20 in the appropriate division of the General Court of Justice seeking an injunction in accordance
21 with G.S. 160A-205.2(c) through (e)."

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

23 "**§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited~~**; injunctive relief.****

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

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

29 (1) Prohibit law enforcement officials or agencies from gathering such
30 information.

31 (2) Direct law enforcement officials or agencies not to gather such information.

32 (3) Prohibit the communication of such information to federal law enforcement
33 agencies.

34 (c) The General Court of Justice has jurisdiction to enter mandatory or prohibitory
35 injunctions to enjoin violations of this section. Any North Carolina resident who is either a citizen
36 of the United States or has been lawfully admitted for permanent residence as defined in 8 U.S.C.



1 § 1101(a)(20) may bring an action in the appropriate division of the General Court of Justice
2 seeking such an injunction, and the plaintiff need not allege or prove special damage different
3 from that suffered by the public at large. It is not a defense to such an action that there is an
4 adequate remedy at law. Any injunction entered pursuant to this subsection shall describe the
5 acts enjoined with reference to the violations of this section that have been proved in the action.
6 Actions brought pursuant to this subsection shall be set down for immediate hearing, and
7 subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

8 (d) In any action brought pursuant to subsection (c) of this section in which a party
9 successfully obtains injunctive relief, the court may allow that party to recover its reasonable
10 attorneys' fees. The court shall not assess attorneys' fees against the governmental body or
11 governmental unit if the court finds that the governmental body or governmental unit acted in
12 reasonable reliance on a judgment or an order entered in a case to which the governmental unit
13 or governmental body is a party.

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

18 **SECTION 3.** This act is effective when it becomes law and applies to actions filed
19 on or after that date.