

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 135
Committee Substitute Favorable 5/2/19
Committee Substitute #2 Favorable 5/6/19
PROPOSED COMMITTEE SUBSTITUTE H135-CSBDa-20 [v.7]
06/24/2019 02:42:26 PM

Short Title: Enjoin Sanctuary Ordinances.

(Public)

Sponsors:

Referred to:

February 21, 2019

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~~**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~~**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



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

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

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

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

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

21 **SECTION 3.** There is appropriated from the unappropriated fund balance, in
22 nonrecurring funds, for the 2019-2020 fiscal year the following sums:

23 (1) To the North Carolina Department of Labor the sum of ten thousand dollars
24 (\$10,000) to provide education for the public as to this act.

25 (2) To the North Carolina Office of State Budget and Management the sum of
26 five thousand dollars (\$5,000), which shall be used to provide grants to the
27 North Carolina League of Municipalities in the amount of three thousand
28 dollars (\$3,000) and to the North Carolina County Commissioners
29 Association in the amount of (\$2,000) to provide education for local
30 governments as to this act.

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