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

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

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

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

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

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

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

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

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