



HOUSE BILL 113: Pvt Action Local Compliance/Immigration Laws.

2017-2018 General Assembly

Committee:	House Judiciary I. If favorable, re-refer to State and Local Government II	Date:	April 23, 2017
Introduced by:	Reps. Cleveland, Conrad, Millis, Speciale	Prepared by:	Bill Patterson
Analysis of:	PCS to First Edition H113-CSTG-13		Committee Co-Counsel

OVERVIEW: *House Bill 113 would permit a person to bring an action against a city, county, or local law enforcement agency for declaratory or injunctive relief based on noncompliance with certain State laws related to immigration, and would impose a civil penalty of up to \$10,000 per day upon a city, county, or law enforcement agency that fails to comply with any order issued as a result of the action. The PCS made a technical correction in Sections 2 and 3 of the bill to remove references to law enforcement agencies.*

CURRENT LAW:

G.S. 15A-311, Article 18 of Chapter 15A of the General Statutes, prohibits cities, counties, and local law enforcement agencies from accepting the following documents as forms of identification for use in determining a person's identity or residency or from establishing by policy or ordinance the acceptability of these documents for such use:

- A matricula consular or other similar document issued by a consulate or embassy of another country other than a valid passport
- An identity document created by any person, organization, county, city or other local authority not expressly authorized to be used for this purpose by the General Assembly.¹

Pursuant to G.S. 153A-145.5 (counties) and G.S. 160A-205.2 (cities), local governments are not permitted to:

- Adopt any policy, ordinance or procedure that limiting the enforcement of federal immigration laws.
- Prohibit law enforcement officials or agencies from gathering information about the citizenship or immigration status of any person or direct the officials or agencies not to gather such information.
- Prohibit communication of such information to federal law enforcement agencies.

There currently are no penalties authorized for noncompliance with these statutory prohibitions.

¹ An exception to this prohibition is provided in subsection (c) of this section, which permits these forms of identification to be used by a law enforcement officer to assist in determining the identity or residency of a person when they are the only documents available to the law enforcement officer at the time.

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BILL ANALYSIS:

Section 1 of the bill would amend Article 18 of Chapter 15A of the General Statutes to add a new section permitting any person residing within the jurisdiction of a city, county, or law enforcement agency to bring an action for declaratory and injunctive relief based on its noncompliance with Article 18. The prevailing party in such an action would be entitled to reasonable attorneys' fees and court costs. Any city, county, or local law enforcement agency failing to comply with an order issued as a result of the action would be subject to a civil penalty of up to \$10,000 per day of noncompliance with the order.

Sections 2 and 3 would amend G.S. 153A-145.5 and G.S. 160A-205.2 to permit any person residing within the jurisdiction of a local government to bring an action for declaratory and injunctive relief based on noncompliance with these sections. The prevailing party in such an action would be entitled to reasonable attorneys' fees and court costs. Any local government failing to comply with an order issued as a result of the action would be subject to a civil penalty of up to \$10,000 per day of noncompliance with the order.

EFFECTIVE DATE: The act would become effective October 1, 2017.