



# HOUSE BILL 135: Enjoin Sanctuary Ordinances.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	June 25, 2019
<b>Introduced by:</b>	Reps. Cleveland, Presnell, Speciale, Brody	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	Fourth Edition		Staff Attorney

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**OVERVIEW:** *House Bill 135 would:*

- *Declare a sanctuary county or city ordinance null and void.*
- *Authorize any person to bring an action for injunctive relief against a county or city enacting a sanctuary ordinance.*
- *Appropriate \$15,000, in nonrecurring funds, for the 2019-2020 fiscal year to provide education for the public and for local governments on the contents of this act.*

*[As introduced, this bill was identical to S341, as introduced by Sens. Sanderson, Britt, which is currently in Senate Rules and Operations of the Senate.]*

**CURRENT LAW:** North Carolina law prohibits counties (G.S. 153A-145.5) and cities (G.S. 160A-205.2) from having 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. Counties and cities are also precluded from doing any of the following:

- Prohibiting law enforcement officials or agencies from gathering information about a person's citizenship or immigration status.
- Directing law enforcement officials or agencies not to gather information about a person's citizenship or immigration status.
- Prohibiting the communication about a person's citizenship or immigration status to federal law enforcement agencies.

**BILL ANALYSIS:** The bill would:

- Declare a sanctuary county or city ordinance null and void.
- Authorize any person to bring an action for injunctive relief against a county or city enacting a sanctuary ordinance.
- Authorize a prevailing plaintiff to recover reasonable attorney's fees in the court's discretion unless the county or city reasonably relied on a court order, judgment, or published appellate opinion.
- Authorize a county or city to recover reasonable attorney's fees if a court determines the plaintiff's action was filed in bad faith or was frivolous.

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# House Bill 135

Page 2

- Appropriates the following sums from the unappropriated fund balance, in nonrecurring funds, for the 2019-2020 fiscal year:
  - \$10,000 to the North Carolina Department of Labor to provide education for the public as to the contents of this act.
  - \$5,000 to the North Carolina Office of State Budget and Management to provide a \$3,000 grant to the North Carolina League of Municipalities and a \$2,000 grant to the North Carolina County Commissioners Association to educate local governments as to the contents of this act.

**EFFECTIVE DATE:** The act is effective when the bill becomes law and applies to actions filed on or after that date.