



HOUSE BILL 62: Gov. Immigration Compliance/Enjoin Ordinances.

2021-2022 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 9, 2021
Introduced by:	Reps. Cleveland, Warren, Clampitt	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition H62-CSBE-6		Committee Co-Counsel

OVERVIEW: *The 1st edition of House Bill 62 would authorize injunctive relief against cities and counties that adopt sanctuary policies, ordinances, or procedures in violation of State law. The PCS would do the following:*

- Remove the appropriation for educational efforts related to the provisions of the bill.
- Limit those who can sue for injunctive relief to North Carolina residents who are either U.S. citizens or who have been lawfully admitted for permanent residence.
- Limit a county or city's ability to automatically avoid paying attorneys' fees to situations where the county or city reasonably relies on a judgment or an order entered in a case to which it is a party.

CURRENT LAW: State law prohibits counties (G.S. 153A-145.5) and cities (G.S. 160A-205.2) from having a policy, ordinance, or procedure that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. Additionally, counties and cities cannot take the following actions related to information about an individual's citizenship or immigration status:

- Prohibit law enforcement officials or agencies from gathering such information.
- Direct law enforcement officials or agencies not to gather such information.
- Prohibit the communication of such information to federal law enforcement agencies.

BILL ANALYSIS: The PCS to House Bill 62 would authorize any North Carolina resident who is either a U.S. citizen or who has been lawfully admitted for permanent residence to seek injunctive relief in State court for the violation of the State restrictions on sanctuary ordinances, policies, or procedures. These individuals could sue without alleging or proving any special damage different from the public at large. These actions must be scheduled for immediate hearing, with subsequent proceedings given priority in trial and appellate courts. In the event of a successful claim, the court may allow the plaintiff to recover its reasonable attorneys' fees. However, attorneys' fees cannot be awarded to the plaintiff if the court finds the county or city acted in reasonable reliance on a judgment or an order entered in a case to which the county or city is a party.

If the court determines that an action was filed in bad faith or was frivolous, the court would be required to assess reasonable attorneys' fees against the plaintiff.

EFFECTIVE DATE: The PCS would be effective when it becomes law and would apply to actions filed on or after that date.

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Legislative Analysis
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