



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:	February 23, 2021
Introduced by:	Reps. Cleveland, Warren, Clampitt	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 62 would authorize injunctive relief against cities and counties that adopt sanctuary policies, ordinances, or procedures in violation of State law.*

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: House Bill 62 would authorize any person, without alleging or proving any special damage different from the public at large, to seek injunctive relief in State court for the violation of the State restrictions on sanctuary ordinances, policies, or procedures. 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 governmental body or governmental unit acted in reasonable reliance on either of the following:

- A judgment or an order of a court applicable to the governmental unit or governmental body.
- 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.

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

House Bill 62 would also appropriate \$10,000 in nonrecurring funds to the Department of Labor to provide education for the public on the provisions of the bill. Additionally, the bill would provide \$3,000 to the North Carolina League of Municipalities and \$2,000 to the North Carolina County Commissioners Association to provide education for local governments on the provisions of the bill.

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

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