



HOUSE BILL 377: 2026 Court Changes, Sec. 20: Modify Laws Related to Frivolous Lawsuits

2025-2026 General Assembly

Analysis of: House Bill 377 (Ratified) , Sec. 20

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Prepared by: Legislative Analysis
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Section 20 of House Bill 377 would have provided that whenever a motion to proceed as an indigent is filed pro se by an inmate in the custody of the Department of Adult Correction or any sheriff in North Carolina, or whenever a motion to proceed as an indigent is filed pro se by any person or entity and the complaint is brought against a federal, State, or local government entity, or government employee in their official capacity, or government employee in their individual capacity but based on the employee's work for the government, the motion to proceed as an indigent and the complaint must be presented to any superior court judge of the judicial district. The court would have been required to dismiss the action if it was frivolous or malicious, failed to state a claim on which relief could be granted, or sought relief against a defendant who was immune from such relief. The proceeding would have been automatically stayed until the judge ruled on the motion to proceed as indigent. This section would also have allowed the clerk to reject certain filings unless the filing was accompanied by any necessary fees or a motion to proceed as indigent.

House Bill 377 was ratified by the General Assembly on August 6, 2026, and vetoed by the Governor. House Bill 377 is not current law. If the General Assembly overrides the veto, Section 20 of House Bill 377 would become effective on October 1, 2026.

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