

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 113
PROPOSED COMMITTEE SUBSTITUTE H113-PCS40550-TG-13

Short Title: Pvt Action Local Compliance/Immigration Laws.

(Public)

Sponsors:

Referred to:

February 16, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A PRIVATE CAUSE OF ACTION TO REMEDY LOCAL
3 GOVERNMENT NONCOMPLIANCE WITH STATE IMMIGRATION LAWS

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 18 of Chapter 15A of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 15A-312. Private cause of action.**

8 In addition to any other remedies at law or in equity, any person who resides within the
9 jurisdiction of a city, county, or law enforcement agency that the person believes is not in
10 compliance with this Article may bring an action for declaratory and injunctive relief. Such
11 action shall be filed in the superior court of any county in which the defendant city, county, or
12 local law enforcement agency has jurisdiction. The court shall award the prevailing party in an
13 action brought under this section reasonable attorneys' fees and court costs as authorized by
14 law. The court shall impose a civil penalty against any city, county, or law enforcement agency
15 that fails to comply with an order issued as a result of an action pursuant to this section in an
16 amount up to ten thousand dollars (\$10,000) per day for each day the city, county, or local law
17 enforcement agency fails to comply with the order. As used in this section, the phrase "local
18 law enforcement agency" means a city police department, a county police department, or a
19 sheriff's office."

20 **SECTION 2.** G.S. 153A-145.5 is amended by adding a new subsection to read:

21 "(c) In addition to any other remedies at law or in equity, any person who resides within
22 the jurisdiction of a county that the person believes is not in compliance with this section may
23 bring an action for declaratory and injunctive relief in the superior court of the defendant
24 county. The court shall award the prevailing party in an action brought under this subsection
25 reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil
26 penalty against any county that fails to comply with an order issued as a result of an action
27 pursuant to this section in an amount up to ten thousand dollars (\$10,000) per day for each day
28 the county fails to comply with the order."

29 **SECTION 3.** G.S. 160A-205.2 is amended by adding a new subsection to read:

30 "(c) In addition to any other remedies at law or in equity, any person who resides within
31 the jurisdiction of a city that the person believes is not in compliance with this section may
32 bring an action for declaratory and injunctive relief. Such action shall be filed in the superior
33 court of any county in which the defendant city has jurisdiction. The court shall award the
34 prevailing party in an action brought under this subsection reasonable attorneys' fees and court
35 costs as authorized by law. The court shall impose a civil penalty against any city that fails to



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1 comply with an order issued as a result of an action pursuant to this section in an amount up to
2 ten thousand dollars (\$10,000) per day for each day the city fails to comply with the order."
3 **SECTION 4.** This act becomes effective October 1, 2017.