

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 1150
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40691-LRa-175

Short Title: NC Constitutional Rights Act/Funds.

(Public)

Sponsors: Representative Rubin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE CONSTITUTIONAL RIGHTS OF NORTH CAROLINIANS BY
3 PROVIDING THE RIGHT TO CIVIL RELIEF FOR VIOLATIONS OF FEDERAL
4 CONSTITUTIONAL RIGHTS AND TO APPROPRIATE FUNDS TO INFORM THE
5 PUBLIC ABOUT THIS PROTECTION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The General Statutes are amended by adding a new Chapter to read:

8 **"Chapter 99F.**

9 **"North Carolina Constitutional Rights Act.**

10 **"§ 99F-1. Title; purpose; definitions.**

11 (a) This Chapter shall be known and may be cited as the "North Carolina Constitutional
12 Rights Act."

13 (b) The General Assembly finds that:

14 (1) The people of North Carolina are entitled to the full protection of rights
15 guaranteed under the United States Constitution.

16 (2) Fully protecting these rights demands that violations of constitutional rights
17 be subject to a remedy at law.

18 (3) Although it provides such a remedy for state actors under 42 U.S.C. § 1983,
19 federal law provides no adequate or consistent remedy for violations of federal
20 constitutional rights by individuals acting under color of federal law.

21 (4) North Carolina courts, in contrast, have historically provided remedies for
22 injuries to state fundamental rights even where no statutory remedy exists.

23 (5) It is in the public interest for the State of North Carolina to provide a civil
24 cause of action to redress all deprivations of federal constitutional rights
25 within its jurisdiction.

26 (c) For the purposes of this Chapter, the term "under color of law" includes any actions
27 taken under the actual or apparent authority of any law, statute, regulation, custom, or usage of
28 any state, territory, or local government, or of the United States.

29 **"§ 99F-2. Civil action for deprivation of federal constitutional rights.**

30 (a) Any person within the jurisdiction of this State may bring a civil action against any
31 other person who, under color of law, subjects or causes to be subjected, any person within this
32 State to the deprivation of any rights, privileges, or immunities secured by the United States
33 Constitution.

34 (b) An action commenced under this Chapter may be filed in any county permitted under
35 G.S. 1-82 or where the alleged violation of a right secured by the United States Constitution
36 occurred.



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1 (c) Relief under subsection (a) of this section may include any one or more of the
2 following remedies:

- 3 (1) Compensatory damages.
- 4 (2) Declaratory or injunctive relief.
- 5 (3) Reasonable attorneys' fees and costs to a prevailing plaintiff.

6 **"§ 99F-3. Defenses; immunities.**

7 A defendant in an action brought under this Chapter may raise any defense or immunity
8 available under federal law only to the same extent such defenses would apply in a cause of
9 action brought under 42 U.S.C. § 1983.

10 **"§ 99F-4. Limitations.**

11 An action under this Chapter must commence within three years after the cause of action
12 accrues.

13 **"§ 99F-5. Statutory construction.**

14 (a) Nothing in this Chapter shall be construed to do any of the following:

- 15 (1) Impair or limit any claim or remedy available under State or federal law.
- 16 (2) Authorize any cause of action against the State of North Carolina or its
17 agencies under this Chapter.
- 18 (3) Waive sovereign immunity for the State of North Carolina or local political
19 subdivisions of the State.

20 (b) The provisions of this Chapter should be construed to vindicate its purpose of
21 allowing, to the full extent permissible in law, civil claims for violations of federal constitutional
22 rights.

23 (c) It is the General Assembly's express intention that this Chapter extends specifically
24 to include claims "brought for a violation of the United States Constitution," as defined by the
25 Federal Tort Claims Act, as amended by the Westfall Act, 28 U.S.C. § 2679.

26 **"§ 99F-6. Severability.**

27 If any provision of this Chapter or its application is held invalid, the invalidity does not affect
28 other provisions or applications of this Chapter that can be given effect without the invalid
29 provision or application."

30 **SECTION 2.** Effective July 1, 2026, there is appropriated from the General Fund to
31 the Department of Justice the sum of one hundred fifty thousand dollars (\$150,000) in
32 nonrecurring funds for the 2026-2027 fiscal year to educate the public about their rights under
33 this act.

34 **SECTION 3.** Except as otherwise provided, this act becomes effective October 1,
35 2026, and applies to causes of actions occurring on or after that date.