

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 113

Short Title: Pvt Action Local Compliance/Immigration Laws. (Public)

Sponsors: Representatives Cleveland, Conrad, Millis, and Speciale (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I, if favorable, State and Local Government II

February 16, 2017

A BILL TO BE ENTITLED

AN ACT TO CREATE A PRIVATE CAUSE OF ACTION TO REMEDY LOCAL
GOVERNMENT NONCOMPLIANCE WITH STATE IMMIGRATION LAWS

The General Assembly of North Carolina enacts:

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

"§ 15A-312. Private cause of action.

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

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

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

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

"(c) In addition to any other remedies at law or in equity, any person who resides within the jurisdiction of a city or city police department that the person believes is not in compliance with this section may bring an action for declaratory and injunctive relief. Such action shall be filed in the superior court of any county in which the defendant city or city police department has jurisdiction. The court shall award the prevailing party in an action brought under this subsection



1 reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil
2 penalty against any city or city police department that fails to comply with an order issued as a
3 result of an action pursuant to this section in an amount up to ten thousand dollars (\$10,000) per
4 day for each day the city or city police department fails to comply with the order."

5 **SECTION 4.** This act becomes effective October 1, 2017.