

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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**SENATE BILL 153
Second Edition Engrossed 3/4/25
House Committee Substitute Favorable 6/3/25**

Short Title: North Carolina Border Protection Act.

(Public)

Sponsors:

Referred to:

February 25, 2025

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE BORDERS OF THE STATE BY (I) REQUIRING COOPERATION WITH FEDERAL IMMIGRATION OFFICIALS, (II) ENSURING STATE FUNDS ARE BEING USED FOR THE BENEFIT OF PERSONS IN THE STATE LEGALLY, (III) CREATING ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION, AND (IV) PROHIBITING UNC CONSTITUENT INSTITUTIONS FROM BECOMING SANCTUARY UNIVERSITIES.

Whereas, with their votes electing Donald J. Trump to be the 47th President of our great nation, the American people and the people of North Carolina clearly communicated their strong desire to create a safer country through increased border security and stronger immigration policies; and

Whereas, while the federal government is ultimately responsible for the enforcement of our nation's immigration laws, states and local governments have a critical role to play in upholding the rule of law, fighting illegal immigration, and protecting the safety of our citizens; and

Whereas, President Trump issued executive orders on January 20, 2025, to protect the American people against invasion, to secure our borders, and to declare a national emergency at the southern border of the United States, thereby continuing his promises to protect our southern border and ensure immigration laws are followed and enforced; and

Whereas, it is the policy of the United States to take all appropriate action to secure the borders of our Nation, including through cooperating fully with State and local law enforcement officials in enacting federal-State partnerships to enforce federal immigration priorities; and

Whereas, President Trump has, to ensure State and local law enforcement agencies across the United States can assist with the protection of the American people, (i) instructed the Secretary of Homeland Security, to the maximum extent permitted by law, and with the consent of State or local officials as appropriate, to take appropriate action, through agreements under section 287(g) of the INA (8 U.S.C. § 1357(g)) or otherwise, and (ii) authorized State and local law enforcement officials, as the Secretary of Homeland Security determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary of Homeland Security; and



Whereas, President Trump has expressly stated the goal of upholding the rule of law, defending against the waste of hard-earned taxpayer resources, and protecting benefits for American citizens in need, including individuals with disabilities and veterans; and

Whereas, Section 5 of Article III of the North Carolina Constitution charges the Governor with taking care that the laws are faithfully executed; and

Whereas, to date, Governor Stein has not directed the agencies, law enforcement officers, or other agents of the State to take actions (i) to support or participate in these initiatives to accomplish these goals of securing taxpayer dollars for American and State citizens or (ii) to prevent actions by agencies or political subdivisions of the State that may frustrate these purposes; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. COOPERATION WITH FEDERAL IMMIGRATION OFFICIALS

SECTION 1.(a) The Secretary of the Department of Public Safety shall do each of the following:

- (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. § 1357(g)), to permit designated State law enforcement officers to perform immigration law enforcement functions. The designated State law enforcement officers shall be required to receive appropriate training as provided by ICE and shall function under the supervision of ICE officers when performing under the MOA.
- (2) Develop departmental policies requiring each of the following:
 - a. Employees of the Department shall attempt to determine if any person in the custody or under the supervision of the Department is a legal resident or citizen of the United States or its territories by inquiry of the person, or by examination of any relevant documents, or both.
 - b. When employees are unable to determine if a person is a legal resident or citizen of the United States or its territories under sub-subdivision a. of this subdivision, the employees shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security.
 - c. When employees determine that a person in the custody or under the supervision of the Department is not a legal resident or citizen of the United States or its territories, the employees shall provide requested information regarding the person to Immigration and Customs Enforcement of the United States Department of Homeland Security.
- (3) Cooperate to the fullest extent allowed by law with Immigration and Customs Enforcement of the United States Department of Homeland Security.
- (4) No later than August 1, 2025, report the Memorandum of Agreement and departmental policies required by this section to the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 1.(b) The Secretary of the Department of Adult Correction shall do each of the following:

- (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. § 1357(g)), to permit designated State law enforcement officers to perform immigration law enforcement functions. The designated State law enforcement officers shall be required to receive appropriate training as provided by ICE and shall

function under the supervision of ICE officers when performing under the MOA.

(2) Develop departmental policies requiring each of the following:

- a. Employees of the Department shall attempt to determine if any person in the custody or under the supervision of the Department is a legal resident or citizen of the United States or its territories by inquiry of the person, or by examination of any relevant documents, or both.
- b. When employees are unable to determine if a person is a legal resident or citizen of the United States or its territories under sub-subdivision a. of this subdivision, the employees shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security.
- c. When employees determine that a person in the custody or under the supervision of the Department is not a legal resident or citizen of the United States or its territories, the employees shall provide requested information regarding the person to Immigration and Customs Enforcement of the United States Department of Homeland Security.

(3) Cooperate to the fullest extent allowed by law with Immigration and Customs Enforcement of the United States Department of Homeland Security.

(4) No later than August 1, 2025, report the Memorandum of Agreement and departmental policies required by this section to the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 1.(c) The Commander of the State Highway Patrol shall do each of the following:

- (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. § 1357(g)), to permit designated State law enforcement officers to perform immigration law enforcement functions. The designated State law enforcement officers shall be required to receive appropriate training as provided by ICE and shall function under the supervision of ICE officers when performing under the MOA.
- (2) Develop State Highway Patrol policies requiring each of the following:
 - a. Employees of the State Highway Patrol shall attempt to determine if any person in the custody or under the supervision of the State Highway Patrol is a legal resident or citizen of the United States or its territories by inquiry of the person, or by examination of any relevant documents, or both.
 - b. When employees are unable to determine if a person is a legal resident or citizen of the United States or its territories under sub-subdivision a. of this subdivision, the employees shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security.
 - c. When employees determine that a person in the custody or under the supervision of the State Highway Patrol is not a legal resident or citizen of the United States or its territories, the employees shall provide requested information regarding the person to Immigration and Customs Enforcement of the United States Department of Homeland Security.
- (3) Cooperate to the fullest extent allowed by law with Immigration and Customs Enforcement of the United States Department of Homeland Security.

- (4) No later than August 1, 2025, report the Memorandum of Agreement and State Highway Patrol policies required by this section to the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 1.(d) The Director of the State Bureau of Investigation shall do each of the following:

- (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. § 1357(g)), to permit designated State law enforcement officers to perform immigration law enforcement functions. The designated State law enforcement officers shall be required to receive appropriate training as provided by ICE and shall function under the supervision of ICE officers when performing under the MOA.
- (2) Develop State Bureau of Investigation policies requiring each of the following:
- a. Employees of the State Bureau of Investigation shall attempt to determine if any person in the custody or under the supervision of the State Bureau of Investigation is a legal resident or citizen of the United States or its territories by inquiry of the person, or by examination of any relevant documents, or both.
- b. When employees are unable to determine if a person is a legal resident or citizen of the United States or its territories under sub-subdivision a. of this subdivision, the employees shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security.
- c. When employees determine that a person in the custody or under the supervision of the State Bureau of Investigation is not a legal resident or citizen of the United States or its territories, the employees shall provide requested information regarding the person to Immigration and Customs Enforcement of the United States Department of Homeland Security.
- (3) Cooperate to the fullest extent allowed by law with Immigration and Customs Enforcement of the United States Department of Homeland Security.
- (4) No later than August 1, 2025, report the Memorandum of Agreement and State Bureau of Investigation policies required by this section to the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 1.(e) The State Auditor shall perform an audit to determine the compliance of each State agency with the requirements of this section and shall report the results of the audit to the General Assembly no later than December 31, 2025.

SECTION 1.(f) This section is effective when it becomes law.

PART II. DEPARTMENT OF HEALTH AND HUMAN SERVICES

SECTION 2.(a) To the extent permitted by federal law, the Department of Health and Human Services (DHHS) shall take all steps necessary to cease providing State-funded benefits to noncitizens residing in the United States without legal permission.

SECTION 2.(b) To the extent permitted by federal law, the DHHS shall develop and implement a plan to review and update the eligibility criteria for all State-funded benefits to ensure that noncitizens determined to be residing in the United States without legal permission are ineligible to receive State-funded benefits. As a part of this plan, the DHHS shall develop a method for verifying the immigration status of applicants for State-funded benefits who are noncitizens prior to the initiation of benefits.

SECTION 2.(c) By January 15, 2026, the DHHS shall report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division all of the following:

- (1) The steps taken to implement subsection (a) of this section and the resulting success of those steps.
- (2) A list of State-funded benefits for which the DHHS is prohibited from changing.
- (3) The plan developed and implemented pursuant to subsection (b) of this section, which shall include a citation to each federal law or regulation that prohibits the DHHS from denying eligibility for State-funded benefits to noncitizens determined to be residing in the United States without legal permission.

SECTION 2.(d) As used in this Part, "State-funded benefits" includes any of the following programs administered by or through a contract with the DHHS but excludes any benefits or services available under these programs to help eligible beneficiaries access food or meals:

- (1) Temporary Assistance for Needy Families (Work First).
- (2) Early Intervention Services.
- (3) Rental or housing assistance programs.
- (4) Medication assistance programs.
- (5) Child care subsidy programs.
- (6) Foster care and adoption assistance payments.
- (7) Refugee assistance programs.
- (8) Low Income Energy Assistance.
- (9) Work First Cash Assistance and other employment and self-sufficiency training and services.
- (10) Medicaid.
- (11) Single-stream funding.
- (12) Inpatient psychiatric hospital services (3-Way Bed Contracts).
- (13) The State-County Special Assistance program.
- (14) Programs funded by the Home and Community Care Block Grant.
- (15) Caregiver Support programs.

PART III. DEPARTMENT OF COMMERCE, HOUSING FINANCE AGENCY, AND LOCAL HOUSING AUTHORITIES

SECTION 3.(a) To the extent permitted by federal law, the Department of Commerce, the Housing Finance Agency, and all local housing authorities established under Chapter 157 of the General Statutes shall take all steps necessary to cease providing publicly funded housing benefits to noncitizens residing in the United States without legal permission.

SECTION 3.(b) To the extent permitted by federal law, the Department of Commerce, the Housing Finance Agency, and all local housing authorities established under Chapter 157 of the General Statutes shall each develop and implement a plan to review and update the eligibility criteria for all publicly funded housing benefits to ensure that noncitizens determined to be residing in the United States without legal permission are ineligible to receive publicly funded housing benefits. As a part of this plan, the Department of Commerce, the Housing Finance Agency, and all local housing authorities established under Chapter 157 of the General Statutes shall develop a method for verifying the immigration status of applicants for publicly funded housing benefits who are noncitizens prior to the initiation of benefits.

SECTION 3.(c) By January 15, 2026, the Department of Commerce, the Housing Finance Agency, and all local housing authorities established under Chapter 157 of the General

Statutes shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on both of the following:

- (1) The steps taken to implement subsection (a) of this section and the resulting success of those steps.
- (2) The plan developed and implemented pursuant to subsection (b) of this section, which shall include a citation to each federal law or regulation that prohibits the Department, Office, Agency, or local government unit from denying eligibility for publicly funded benefits to noncitizens determined to be residing in the United States without legal permission.

SECTION 3.(d) As used in this Part, "publicly funded housing benefits" means any of the following programs or assistance administered by or through a contract with the Department of Commerce, the North Carolina Housing Finance Agency, and any local housing authority established under Chapter 157 of the General Statutes:

- (1) Community Development Block Grants (CDBG).
- (2) Rental assistance programs.
- (3) Transitional housing programs.
- (4) Key Rental Assistance programs (KEY).
- (5) Subsidized housing assistance programs.
- (6) Housing Choice Voucher program (HCV).
- (7) NC Home Advantage Mortgage program.
- (8) NC 1st Home Advantage Down Payment program.
- (9) HOME Investment Partnerships program (HOME).
- (10) Community Living programs.
- (11) Essential Single-Family Rehabilitation program (ESFR).
- (12) Affordable Housing Development Fund program (AHDF).
- (13) Emergency Solutions Grants program (ESG), including the Rapid Unsheltered Survivor Housing program (RUSH).

PART IV. UNEMPLOYMENT COMPENSATION

SECTION 4. Notwithstanding any provision of State law and to the extent permitted by federal law, by January 15, 2026, the Department of Commerce, Division of Employment Security, shall adopt and implement a policy to verify, for unemployment benefits purposes, that all applicants are legally authorized to reside in the United States prior to the first payment of benefits.

PART V. WAIVER OF LOCAL GOVERNMENT IMMUNITY

SECTION 5.(a) G.S. 153A-145.5 reads as rewritten:

"§ 153A-145.5. Adoption of sanctuary ordinance ~~prohibited, prohibited;~~ waiver of immunity.

...

(c) A county in violation of this section shall have waived its governmental immunity as provided in G.S. 153A-435.1."

SECTION 5.(b) Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

"§ 153A-435.1. Waiver of immunity; sanctuary status.

(a) A county shall have waived its immunity from civil liability in tort if it does not comply with G.S. 153A-145.5 and an unauthorized alien commits a crime against a person or property within the corporate limits of the county.

(b) Immunity shall be waived under subsection (a) of this section even if the county has not purchased insurance as authorized in G.S. 153A-435."

SECTION 5.(c) G.S. 160A-205.2 reads as rewritten:

1 "§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited~~prohibited; waiver of
2 immunity.

3 ...
4 (c) A city in violation of this section shall have waived its governmental immunity as
5 provided in G.S. 160A-485.1."

6 SECTION 5.(d) Article 21 of Chapter 160A of the General Statutes is amended by
7 adding a new section to read as follows:

8 "§ 160A-485.1. Waiver of immunity; sanctuary status.

9 (a) A city shall have waived its immunity from civil liability in tort if it does not comply
10 with G.S. 160A-205.2 and an unauthorized alien commits a crime against a person or property
11 within the corporate limits of the city.

12 (b) Immunity shall be waived under subsection (a) of this section even if the city has not
13 purchased insurance as authorized in G.S. 160A-485 or G.S. 160A-485.5(a)."

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15 **PART VI. UNC CONSTITUENT INSTITUTIONS TO COMPLY WITH LAWS**
16 **RELATED TO IMMIGRATION**

17 SECTION 6. Part 3 of Article 1 of Chapter 116 of the General Statutes is amended
18 by adding a new section to read:

19 "§ 116-40.14. Adoption of sanctuary status prohibited.

20 (a) A constituent institution shall not have any policy or regulation that limits or restricts
21 the enforcement of federal immigration laws to less than the full extent permitted by federal law.

22 (b) To the extent permitted by federal law, a constituent institution shall not do any of the
23 following related to information regarding the immigration status of any individual:

24 (1) Prevent law enforcement officials or agencies from gathering the information.

25 (2) Prevent communication of the information to federal law enforcement
26 agencies."

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28 **PART VII. EFFECTIVE DATE**

29 SECTION 7. Except as otherwise provided, this act is effective when it becomes
30 law.