## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

H **HOUSE BILL 10** 

## Second Edition Engrossed 3/28/23

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Short Title:	Require Sheriffs to Cooperate with ICE.	(Public)
Sponsors:	Representatives D. Hall, B. Jones, Saine, and Carson Smith (Primary Sponsors).	
	For a complete list of sponsors, refer to the North Carolina General Assembly w	veb site.
Referred to:	Judiciary 2, if favorable, Rules, Calendar, and Operations of the House	<b>;</b>

January 26, 2023

1 A BILL TO BE ENTITLED 2 AN ACT TO REQUIRE COMPLIANCE WITH IMMIGRATION DETAINERS AND 3 ADMINISTRATIVE WARRANTS AND TO REQUIRE CERTAIN REPORTS FROM 4 LOCAL LAW ENFORCEMENT, AND TO FUND TWO JAIL INSPECTOR POSITIONS. 5

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 162-62 reads as rewritten:

## "§ 162-62. Legal status of prisoners.

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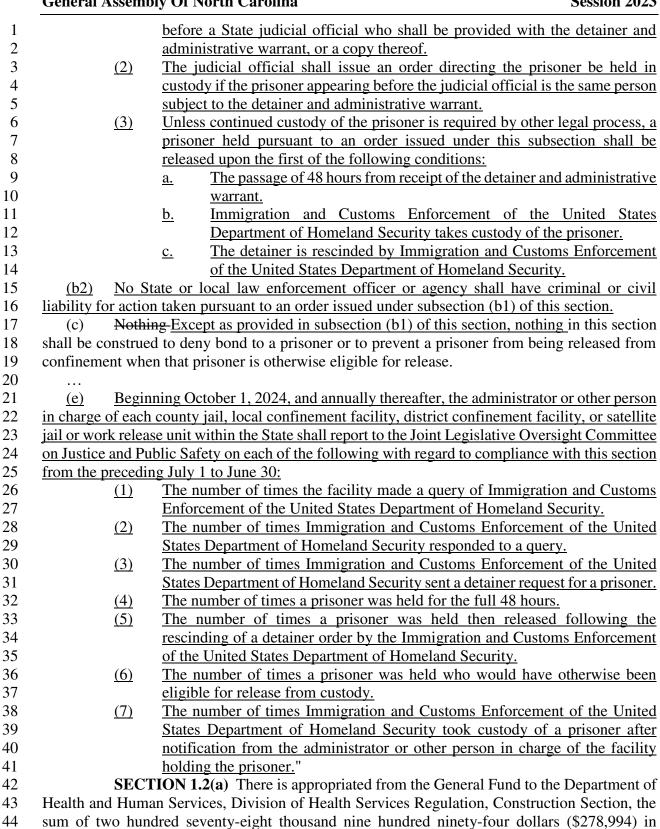
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- When any person charged with a felony or an impaired driving offense is confined for any period in a county jail, local confinement facility, district confinement facility, or satellite <del>jail/work release unit, satellite jail, or work release unit, the administrator or other person in</del> charge of the facility shall attempt to determine if the prisoner is a legal resident of the United States by an inquiry of the prisoner, or by examination of any relevant documents, or both.both, if the person is charged with any of the following offenses:
  - A felony under G.S. 90-95. (1)
  - A felony under Article 6, Article 7B, Article 10, Article 10A, or Article 13A (2) of Chapter 14 of the General Statutes.
  - A Class A1 misdemeanor or felony under Article 8 of Chapter 14 of the (3) General Statutes.
  - Any violation of G.S. 50B-4.1. (4)
- (b) If the administrator or other person in charge of the facility is unable to determine if that prisoner is a legal resident or citizen of the United States or its territories, the administrator or other person in charge of the facility holding the prisoner, where possible, prisoner shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security. If the prisoner has not been lawfully admitted to the United States, the United States Department of Homeland Security will have been notified of the prisoner's status and confinement at the facility by its receipt of the query from the facility.
- When any person charged with a criminal offense is confined for any period in a county jail, local confinement facility, district confinement facility, satellite jail, or work release unit, and the administrator or other person in charge of the facility has been notified that Immigration and Customs Enforcement of the United States Department of Homeland Security has issued a detainer and administrative warrant that reasonably appears to be for the person in custody, the following shall apply:
  - Prior to the prisoner's release, and after receipt of the detainer and (1) administrative warrant, or a copy thereof, by the administrator or other person in charge of the facility, the prisoner shall be taken without unnecessary delay





Health and Human Services, Division of Health Services Regulation, Construction Section, the sum of two hundred seventy-eight thousand nine hundred ninety-four dollars (\$278,994) in recurring funds for each year of the 2023-2025 fiscal biennium to be used to hire two full-time Jail Inspectors.

**SECTION 1.2(b)** This section becomes effective July 1, 2023.

**SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses committed on or after that date.

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