

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE DRS85079-MD-22 (2/7)

Short Title: Reduce Number of Illegal Aliens in Jails.

(Public)

Sponsors: Senator Blake.

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT JAILORS IDENTIFY DETAINEES THAT ARE  
ILLEGAL IMMIGRANTS AND REQUEST THAT THE UNITED STATES  
DEPARTMENT OF HOMELAND SECURITY TAKE THEM INTO FEDERAL  
CUSTODY; REQUIRING THAT THE GOVERNOR DEMAND THAT THE  
FEDERAL GOVERNMENT DESIGNATE FEDERAL FACILITIES TO WHICH  
ILLEGAL IMMIGRANTS MAY BE TRANSFERRED OR, IN THE  
ALTERNATIVE, DEMAND THAT THE FEDERAL GOVERNMENT  
REIMBURSE THE STATE FOR THE COST OF INCARCERATING ILLEGAL  
IMMIGRANTS; AND INSTRUCTING THE ATTORNEY GENERAL TO  
PURSUE LEGAL REMEDIES TO OBTAIN REIMBURSEMENT IN THE  
EVENT THAT THE FEDERAL GOVERNMENT FAILS TO MEET THE  
GOVERNOR'S DEMANDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 162 of the General Statutes is amended by adding a  
new section to read:

**"§ 162-62. Identification of illegal immigrant detainees; transfer to federal  
custody.**

(a) When a person is detained for any period in a county jail, local confinement  
facility, district confinement facility, or satellite jail/work release unit because there is  
reasonable suspicion or probable cause to believe the person has committed a felony or  
an impaired driving offense, or when a person is in custody after final judgment, the  
administrator or other person in charge of the facility shall determine whether the  
detainee is an illegal immigrant. As used in this section, the term 'illegal immigrant'  
means a person who has not been lawfully admitted to the United States or, if lawfully  
admitted, whose lawful status has expired.

1       (b) If it is determined that a detainee is an illegal immigrant, the administrator or  
2 other person in charge of the facility holding the detainee shall notify the United States  
3 Immigration and Customs Enforcement Division of the United States Department of  
4 Homeland Security and request that the detainee be taken into federal custody as soon  
5 as practicable for processing in the federal immigration system.

6       (c) Nothing in this section shall be construed to deny bond to a person or to  
7 prevent a person from being released from confinement when that person is otherwise  
8 eligible for release."

9       **SECTION 2.** The Governor shall demand that the federal government  
10 designate one or more federal facilities to which detainees that have not been lawfully  
11 admitted to the United States may be transferred in the event that the United States  
12 Department of Homeland Security fails to take a detainee into federal custody within 24  
13 hours of being requested to do so pursuant to G.S. 162-62(b). If the government fails to  
14 designate facilities for this purpose, the Governor shall demand that the federal  
15 government reimburse the State for the entire cost of incarcerating these detainees. If  
16 the federal government fails to meet the Governor's demands, the Attorney General  
17 shall consider and pursue viable legal remedies to seek reimbursement from the federal  
18 government.

19       **SECTION 3.** This act becomes effective December 1, 2007.