

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-418
HOUSE BILL 786**

AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE'S E-VERIFY LAWS.

Whereas, the North Carolina General Assembly recognizes that the issue of immigration is the responsibility of the federal government; and

Whereas, the federal government has failed to address the need for enforcement of existing immigration laws or to act decisively to correct, amend, and reform existing immigration procedures and policies; and

Whereas, federal courts have consistently upheld the authority of the federal government to restrict the efforts of states to uphold and enforce federal immigration laws in order to protect their citizens and their economies; and

Whereas, the federal government has endowed illegally present aliens with certain entitlements to be provided by the various states via unfunded mandates; and

Whereas, those unfunded mandates and the failure to address illegal immigration places an unwarranted strain on our State's law enforcement agencies, educational institutions, and social safety nets and undermines our trust in the rule of law; and

Whereas, the General Assembly of North Carolina recognizes its responsibility to protect and defend the citizens and the economy of the State of North Carolina; and

Whereas, North Carolina recognizes that the greatness of this State is the result of appreciating, incorporating, and welcoming the vast diversity of immigrants who lawfully assimilate into the culture and fabric that is North Carolina; and

Whereas, we do now encourage the North Carolina congressional delegation to exert the strongest effort possible to enact appropriate federal legislation to secure our nation's borders, uphold existing immigration laws, and reform the procedures and policies regarding the immigration process in order to facilitate an even and orderly process for those wishing to immigrate to our country; and

Whereas, we encourage the President to work in a dedicated and cooperative fashion with Congress to restore dignity and transparency to the immigration process; and

Whereas, the wealth, beauty, and strength of North Carolina rests not only with her natural attributes of mountains, beaches, and abundant resources but in the character of her people and their ability to address problems and challenges before them with an objective resolve tempered with a sense of fairness and consideration for all people; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Department of Public Safety, in conjunction with the agencies and industries described in subsection (b) of this section, shall study the potential impact on public safety, the State economy, and illegal immigration to this State of adopting any or all of the following measures:

- (1) Increasing the penalties for crimes related to the possession, manufacture, or sale of false drivers licenses and other identification documents.
- (2) Creating a rebuttable presumption against the pretrial release of undocumented aliens who commit serious crimes.
- (3) Requiring a secured appearance bond as a condition of pretrial release for undocumented aliens who have committed serious crimes.



- (4) Requiring undocumented alien prisoners to reimburse the State for the cost of their incarceration after conviction of a crime.
- (5) Establishing standards of reasonable suspicion to guide law enforcement officers in conducting immigration status checks when conducting a lawful stop, detention, or arrest.
- (6) Prohibiting the use of consular documents from being considered a valid means of establishing a person's identity by a justice, judge, clerk, magistrate, law enforcement officer, or other State official.
- (7) Implementing a process for undocumented aliens to obtain a temporary driving privilege. This portion of the study shall:
 - a. Examine the impact that such a process would have on highway safety, insurance rates, and claims for accidents that occur at the hands of the uninsured.
 - b. Estimate the number of individuals who would seek to obtain a temporary driving privilege through such a process.
 - c. Determine whether there are adequate insurance products available to insure individuals who obtain the temporary driving privilege.
 - d. Examine any other matters that the Division of Motor Vehicles deems relevant.
- (8) Adopting measures that have been adopted in other States to combat the problem of illegal immigration.

SECTION 1.(b) In conducting the study required by this section, the Department of Public Safety shall consult with the Department of Insurance, the Division of Motor Vehicles, the Department of Commerce, representatives of the service and agricultural industries, representatives of the immigrant community, and any other agencies, institutions, or individuals that the Department deems appropriate.

SECTION 1.(c) The study shall examine the potential impact of the measures described in subsection (a) of this section:

- (1) On the State economy.
- (2) On the community of lawful immigrants in this State.
- (3) On the provision of social services.
- (4) On tax collection.
- (5) On law enforcement.
- (6) In light of the impact of similar measures enacted in other states on these areas.
- (7) In light of their relation to the uncertainty that all businesses, including the high-tech, agriculture, hospitality, and other service sectors endure under our current federal system. The Department of Commerce shall be the lead coordinating agency for purposes of this subdivision.

SECTION 1.(d) The Department of Public Safety shall report its findings and recommendations to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2014. The Department of Public Safety may use funds available to contract for services related to this study.

SECTION 2.(a) G.S. 153A-449 reads as rewritten:

"§ 153A-449. Contracts with private ~~entities~~ entities; contractors must use E-Verify.

(a) Authority. – A county may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in.

(b) Contractors Must Use E-Verify. – No county may enter into a contract unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 2.(b) G.S. 160A-20.1 reads as rewritten:

"§ 160A-20.1. Contracts with private ~~entities~~ entities; contractors must use E-Verify.

(a) Authority. – A city may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in.

(b) Contractors Must Use E-Verify. – No city may enter into a contract unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 2.(c) G.S. 143-129 is amended by adding a new subsection to read:

"(j) No contract subject to this section may be awarded by any board or governing body of the State, institution of State government, or any political subdivision of the State unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 2.(d) Article 3 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-48.5. Contractors must use E-Verify.

No contract subject to the provisions of this Article may be entered into unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 2.(e) G.S. 147-33.95 is amended by adding a new subsection to read:

"(g) No contract subject to the provisions of this Part may be entered into unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes."

SECTION 2.(f) G.S. 64-25(3) reads as rewritten:

"§ 64-25. Definitions.

The following definitions apply in this Article:

...
(3) Employee. – Any individual who provides services or labor for an employer in this State for wages or other remuneration. The term does not include an individual whose term of employment is less than nine months in a calendar year.
....."

SECTION 2.(g) G.S. 64-26(c) is repealed.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26th day of July, 2013.

s/ Tom Apodaca
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

VETO Pat McCrory
Governor

Became law notwithstanding the objections of the Governor at 9:20 a.m. this 4th day of September, 2013.

s/ Sarah Lang
Senate Principal Clerk