

February 27, 2007

S 405. REDUCE NUMBER OF ILLEGAL ALIENS IN JAILS. Filed 2/27/07. *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.* Enacts new GS 162-62 directing the administrator or person in charge of a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit to determine if there are any illegal immigrants among persons detained in those facilities under reasonable suspicion or probable cause that they have committed a felony or an impaired driving offense, or in custody after a final judgment. Requires the administrator to notify the federal government of detainees who are illegal immigrants and request that they be taken into federal custody. Specifies that nothing in the statute is to be construed to deny bond to a person or prevent a person from being released from confinement when that person is otherwise eligible for release. Otherwise as title indicates. Effective December 1, 2007.

Intro. by Blake.

GS 162