

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 10

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H10-ACEfa-106 [v.1]

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Amends Title [YES]
Third Edition

Date _____, 2024

Senator Mohammed

1 moves to amend the bill on page 1, line 5, by inserting the following at the end of the line and
2 before the period:

3
4 "AND TO APPROPRIATE CERTAIN FUNDS TO ALLOW COMPLIANCE WITH
5 IMMIGRATION DETAINERS";

6
7 and on page 1, line 28, through page 2, line 20, by rewriting the lines to read:

8
9 "(b1) When any person charged with a criminal offense is confined for any period in a
10 county jail, local confinement facility, district confinement facility, satellite jail, or work release
11 unit, and the administrator or other person in charge of the facility has been notified that
12 Immigration and Customs Enforcement of the United States Department of Homeland Security
13 has issued a detainer and administrative warrant that reasonably appears to be for the person in
14 custody, the following shall apply:

15 (1) Prior to the prisoner's release, and after receipt of the detainer and
16 administrative warrant, or a copy thereof, by the administrator or other person
17 in charge of the facility, the prisoner shall be taken without unnecessary delay
18 before a State judicial official who shall be provided with the detainer and
19 administrative warrant, or a copy thereof. If an objection to the detainer and
20 administrative warrant is raised pursuant to subdivision (2) of this subsection,
21 then the prisoner shall be brought before a District Court judge as provided in
22 subdivision (3) of this subsection. If no objection to the detainer and
23 administrative warrant is raised, then the prisoner shall be brought before any
24 judicial official as provided in subdivision (4) of this section.

25 (2) Prior to the prisoner's hearing before a judicial official, the administrator or
26 other person in charge of the facility shall notify the District Attorney of the
27 county where the alleged offense took place that Immigration and Customs
28 Enforcement of the United States Department of Homeland Security has
29 issued a detainer and administrative warrant for the prisoner. The District
30 Attorney shall then notify any victim of the alleged offense, or the victim's
31 parent, custodian, or legal representative if the victim is a minor or is
32 otherwise incapacitated or unavailable ("victim"), that the prisoner is subject



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1 to the detainer and may be transferred into Immigration and Customs
2 Enforcement of the United States Department of Homeland Security custody.
3 The District Attorney shall, upon the victim's request, have the right to file an
4 objection to the detainer and administrative warrant with a District Court
5 judge solely on the basis that the prisoner's transfer to the custody of
6 Immigration and Customs Enforcement of the United States Department of
7 Homeland Security would not be in the interests of justice.

8 (3) If the District Attorney, upon the victim's request, files an objection to the
9 detainer and administrative warrant, a District Court judge shall hold a hearing
10 to determine if the interests of justice would be better served by the prisoner
11 not being turned over to the custody of Immigration and Customs
12 Enforcement of the United States Department of Homeland Security. If the
13 judge determines that the interest of justice would be better served by not
14 complying with the detainer request, then the judge shall order the
15 administrator to not comply with the detainer request. If the judge determines
16 that the detainer and administrative warrant do serve the interests of justice
17 the judge shall issue an order directing the administrator to comply with the
18 detainer request and directing the prisoner be held in custody.

19 (4) If the District Attorney does not file an objection to the detainer and
20 administrative warrant any judicial official the prisoner is brought before shall
21 issue an order directing the prisoner be held in custody if the prisoner
22 appearing before the judicial official is the same person subject to the detainer
23 and administrative warrant.

24 (5) Unless continued custody of the prisoner is required by other legal process, a
25 prisoner held pursuant to an order issued under this subsection shall be
26 released upon the first of the following conditions:

- 27 a. The passage of 48 hours, excluding Saturday, Sunday, and holidays,
28 from receipt of the detainer and administrative warrant.
29 b. Immigration and Customs Enforcement of the United States
30 Department of Homeland Security takes custody of the prisoner.
31 c. The detainer is rescinded by Immigration and Customs Enforcement
32 of the United States Department of Homeland Security.";

33
34 and on page 3, lines 23-24, by rewriting those lines to read:

35
36 **"SECTION 3.** There is appropriated from the General Fund to the Department of
37 Public Safety the sum of ten million dollars (\$10,000,000) in recurring funds beginning in the
38 2024-2025 fiscal year to be distributed as grants to local governments for any increase in costs
39 incurred from complying with the provisions set forth in House Bill 10 of the 2023 Regular
40 Session. The Department shall develop and implement a process for local governments to use to
41 apply for the grant funds authorized in this section, including developing requirements the local
42 government must satisfy in order to qualify for funding.

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1 **SECTION 4.** There is appropriated from the General Fund to the Crime Victims
2 Compensation Fund established in G.S. 15B-23 the sum of fifteen million dollars (\$15,000,000)
3 in recurring funds beginning in the 2024-2025 fiscal year to be used in accordance with Article
4 1 of Chapter 15B of the General Statutes.

5 **SECTION 5.** Section 1 and Section 2 become effective July 1, 2024, and apply to
6 offenses committed and persons released from custody on or after that date. The remainder of
7 this Act becomes effective July 1, 2024."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____