

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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PRINCIPAL CLERK

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SENATE BILL DRS15061-MC-90

Short Title: North Carolina Border Protection Act.

(Public)

Sponsors: Senators Berger, Daniel, and B. Newton (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE BORDERS OF THE STATE BY (I) REQUIRING COOPERATION WITH FEDERAL IMMIGRATION OFFICIALS, (II) ENSURING STATE FUNDS ARE BEING USED FOR THE BENEFIT OF PERSONS IN THE STATE LEGALLY, (III) CREATING ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION, AND (IV) PROHIBITING UNC CONSTITUENT INSTITUTIONS FROM BECOMING SANCTUARY UNIVERSITIES.

Whereas, with their votes electing Donald J. Trump to be the 47th President of our great nation, the American people and the people of North Carolina clearly communicated their strong desire to create a safer country through increased border security and stronger immigration policies; and

Whereas, while the federal government is ultimately responsible for the enforcement of our nation's immigration laws, states and local governments have a critical role to play in upholding the rule of law, fighting illegal immigration, and protecting the safety of our citizens; and

Whereas, President Trump issued executive orders on January 20, 2025, to protect the American people against invasion, to secure our borders, and to declare a national emergency at the southern border of the United States, thereby continuing his promises to protect our southern border and ensure immigration laws are followed and enforced; and

Whereas, it is the policy of the United States to take all appropriate action to secure the borders of our Nation, including through cooperating fully with State and local law enforcement officials in enacting federal-State partnerships to enforce federal immigration priorities; and

Whereas, President Trump has, to ensure State and local law enforcement agencies across the United States can assist with the protection of the American people, (i) instructed the Secretary of Homeland Security, to the maximum extent permitted by law, and with the consent of State or local officials as appropriate, to take appropriate action, through agreements under section 287(g) of the INA (8 U.S.C. § 1357(g)) or otherwise, and (ii) authorized State and local law enforcement officials, as the Secretary of Homeland Security determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary of Homeland Security; and

Whereas, President Trump has expressly stated the goal of upholding the rule of law, defending against the waste of hard-earned taxpayer resources, and protecting benefits for American citizens in need, including individuals with disabilities and veterans; and



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1 Whereas, Section 5 of Article III of the North Carolina Constitution charges the
2 Governor with taking care that the laws are faithfully executed; and

3 Whereas, to date, Governor Stein has not directed the agencies, law enforcement
4 officers, or other agents of the State to take actions (i) to support or participate in these initiatives
5 to accomplish these goals of securing taxpayer dollars for American and State citizens or (ii) to
6 prevent actions by agencies or political subdivisions of the State that may frustrate these
7 purposes; Now, therefore,

8 The General Assembly of North Carolina enacts:

9
10 **PART I. COOPERATION WITH FEDERAL IMMIGRATION OFFICIALS**

11 **SECTION 1.(a)** The Secretary of the Department of Public Safety shall do each of
12 the following:

- 13 (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S.
14 Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of
15 the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as
16 amended, to permit designated State law enforcement officers to perform
17 immigration law enforcement functions. The designated State law
18 enforcement officers shall be required to receive appropriate training as
19 provided by ICE and shall function under the supervision of ICE officers when
20 performing under the MOA.
- 21 (2) Develop departmental policies requiring each of the following:
- 22 a. Employees of the Department shall attempt to determine if any person
23 in the custody or under the supervision of the Department is a legal
24 resident or citizen of the United States or its territories by inquiry of
25 the person, or by examination of any relevant documents, or both.
- 26 b. When employees are unable to determine if a person is a legal resident
27 or citizen of the United States or its territories under sub-subdivision
28 a. of this subdivision, the employees shall make a query of
29 Immigration and Customs Enforcement of the United States
30 Department of Homeland Security.
- 31 c. When employees determine that a person in the custody or under the
32 supervision of the Department is not a legal resident or citizen of the
33 United States or its territories, the employees shall provide requested
34 information regarding the person to Immigration and Customs
35 Enforcement of the United States Department of Homeland Security.
- 36 (3) Cooperate to the fullest extent allowed by law with Immigration and Customs
37 Enforcement of the United States Department of Homeland Security.
- 38 (4) No later than August 1, 2025, report the Memorandum of Agreement and
39 departmental policies required by this section to the Joint Legislative
40 Oversight Committee on Justice and Public Safety.

41 **SECTION 1.(b)** The Secretary of the Department of Adult Correction shall do each
42 of the following:

- 43 (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S.
44 Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of
45 the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as
46 amended, to permit designated State law enforcement officers to perform
47 immigration law enforcement functions. The designated State law
48 enforcement officers shall be required to receive appropriate training as
49 provided by ICE and shall function under the supervision of ICE officers when
50 performing under the MOA.
- 51 (2) Develop departmental policies requiring each of the following:

- 1 a. Employees of the Department shall attempt to determine if any person
- 2 in the custody or under the supervision of the Department is a legal
- 3 resident or citizen of the United States or its territories by inquiry of
- 4 the person, or by examination of any relevant documents, or both.
- 5 b. When employees are unable to determine if a person is a legal resident
- 6 or citizen of the United States or its territories under sub-subdivision
- 7 a. of this subdivision, the employees shall make a query of
- 8 Immigration and Customs Enforcement of the United States
- 9 Department of Homeland Security.
- 10 c. When employees determine that a person in the custody or under the
- 11 supervision of the Department is not a legal resident or citizen of the
- 12 United States or its territories, the employees shall provide requested
- 13 information regarding the person to Immigration and Customs
- 14 Enforcement of the United States Department of Homeland Security.
- 15 (3) Cooperate to the fullest extent allowed by law with Immigration and Customs
- 16 Enforcement of the United States Department of Homeland Security.
- 17 (4) No later than August 1, 2025, report the Memorandum of Agreement and
- 18 departmental policies required by this section to the Joint Legislative
- 19 Oversight Committee on Justice and Public Safety.

20 **SECTION 1.(c)** The Commander of the State Highway Patrol shall do each of the
 21 following:

- 22 (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S.
- 23 Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of
- 24 the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as
- 25 amended, to permit designated State law enforcement officers to perform
- 26 immigration law enforcement functions. The designated State law
- 27 enforcement officers shall be required to receive appropriate training as
- 28 provided by ICE and shall function under the supervision of ICE officers when
- 29 performing under the MOA.
- 30 (2) Develop State Highway Patrol policies requiring each of the following:
- 31 a. Employees of the State Highway Patrol shall attempt to determine if
- 32 any person in the custody or under the supervision of the State
- 33 Highway Patrol is a legal resident or citizen of the United States or its
- 34 territories by inquiry of the person, or by examination of any relevant
- 35 documents, or both.
- 36 b. When employees are unable to determine if a person is a legal resident
- 37 or citizen of the United States or its territories under sub-subdivision
- 38 a. of this subdivision, the employees shall make a query of
- 39 Immigration and Customs Enforcement of the United States
- 40 Department of Homeland Security.
- 41 c. When employees determine that a person in the custody or under the
- 42 supervision of the State Highway Patrol is not a legal resident or
- 43 citizen of the United States or its territories, the employees shall
- 44 provide requested information regarding the person to Immigration
- 45 and Customs Enforcement of the United States Department of
- 46 Homeland Security.
- 47 (3) Cooperate to the fullest extent allowed by law with Immigration and Customs
- 48 Enforcement of the United States Department of Homeland Security.
- 49 (4) No later than August 1, 2025, report the Memorandum of Agreement and State
- 50 Highway Patrol policies required by this section to the Joint Legislative
- 51 Oversight Committee on Justice and Public Safety.

1 **SECTION 1.(d)** The Director of the State Bureau of Investigation shall do each of
2 the following:

- 3 (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S.
4 Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of
5 the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as
6 amended, to permit designated State law enforcement officers to perform
7 immigration law enforcement functions. The designated State law
8 enforcement officers shall be required to receive appropriate training as
9 provided by ICE and shall function under the supervision of ICE officers when
10 performing under the MOA.
- 11 (2) Develop State Bureau of Investigation policies requiring each of the
12 following:
- 13 a. Employees of the State Bureau of Investigation shall attempt to
14 determine if any person in the custody or under the supervision of the
15 State Bureau of Investigation is a legal resident or citizen of the United
16 States or its territories by inquiry of the person, or by examination of
17 any relevant documents, or both.
- 18 b. When employees are unable to determine if a person is a legal resident
19 or citizen of the United States or its territories under sub-subdivision
20 a. of this subdivision, the employees shall make a query of
21 Immigration and Customs Enforcement of the United States
22 Department of Homeland Security.
- 23 c. When employees determine that a person in the custody or under the
24 supervision of the State Bureau of Investigation is not a legal resident
25 or citizen of the United States or its territories, the employees shall
26 provide requested information regarding the person to Immigration
27 and Customs Enforcement of the United States Department of
28 Homeland Security.
- 29 (3) Cooperate to the fullest extent allowed by law with Immigration and Customs
30 Enforcement of the United States Department of Homeland Security.
- 31 (4) No later than August 1, 2025, report the Memorandum of Agreement and State
32 Bureau of Investigation policies required by this section to the Joint
33 Legislative Oversight Committee on Justice and Public Safety.

34 **SECTION 1.(e)** The State Auditor shall perform an audit to determine the
35 compliance of each State agency with the requirements of this section and shall report the results
36 of the audit to the General Assembly no later than December 31, 2025.

37 **SECTION 1.(f)** This section is effective when it becomes law.

38
39 **PART II. CERTIFICATION OF STATE BENEFITS BEING USED FOR AUTHORIZED**
40 **RESIDENTS OF THE STATE**

41 **SECTION 2.** The Office of State Budget and Management (OSBM) shall examine
42 covered State public benefits programs to determine whether, and the extent to which, such
43 benefits are being provided to unauthorized aliens. OSBM shall complete the examination
44 required by this section and publish its findings on its website no later than December 31, 2025.
45 In addition, OSBM shall take steps to ensure that covered State public benefits programs are not
46 being used to benefit unauthorized aliens beyond that which is required by federal law and shall
47 report to the General Assembly by January 15, 2026, and annually thereafter on the steps taken,
48 and the resulting success, of those steps. For purposes of this section, "covered State public
49 benefits programs" means any of the following:

- 50 (1) Temporary Assistance for Needy Families (Work First), except for services
51 providing food for infants and children.

- 1 (2) Food and Nutrition Services, except for WIC services to the extent it provides
- 2 Special Supplemental Nutrition Program for Women, Infants, and Children.
- 3 (3) Programs administered by the North Carolina Housing Finance Agency,
- 4 including the Housing Trust Fund, the Community Living Voucher Program,
- 5 the Rental Assistance Voucher Program, programs for reduced-rate
- 6 mortgages, and programs for down payment assistance for certain low-income
- 7 and/or first-time homebuyers.
- 8 (4) Low-income housing tax credits, Section 8 Housing, and any other rental or
- 9 housing assistance programs not listed in another subdivision of this section.
- 10 (5) Medication assistance programs.
- 11 (6) Child care subsidy programs.
- 12 (7) Foster care and adoption assistance payments.
- 13 (8) Refugee assistance programs.
- 14 (9) Low-Income Energy Assistance.
- 15 (10) Work First Cash Assistance and other employment and self-sufficiency
- 16 training and services.
- 17 (11) Medicaid.
- 18 (12) Single Stream Funding.
- 19 (13) Local inpatient psychiatric beds.
- 20 (14) Any grant, contract, loan, professional license, or commercial license
- 21 provided by an agency of a State or local government or by appropriated funds
- 22 of a State or local government.
- 23 (15) Any retirement, disability, unemployment benefit, or any other similar benefit
- 24 for which payments or assistance are provided by an agency of a State or local
- 25 government or by appropriated funds of a State or local government.
- 26 (16) State-County Special Assistance.
- 27 (17) Home and Community Care Programs.
- 28 (18) Caregiver Support.
- 29 (19) Early Intervention Services.
- 30

31 **PART III. WAIVER OF LOCAL GOVERNMENT IMMUNITY**

32 **SECTION 3.(a)** G.S. 153A-145.5 reads as rewritten:

33 "**§ 153A-145.5. Adoption of sanctuary ordinance ~~prohibited~~prohibited; waiver of**

34 **immunity.**

35 ...

36 (c) A county in violation of this section shall have waived its governmental immunity as

37 provided in G.S. 153A-435.1."

38 **SECTION 3.(b)** Article 23 of Chapter 153A of the General Statutes is amended by

39 adding a new section to read as follows:

40 "**§ 153A-435.1. Waiver of immunity; sanctuary status.**

41 (a) A county shall have waived its immunity from civil liability in tort if it does not

42 comply with G.S. 153A-145.5 and an unauthorized alien commits a crime against a person or

43 property within the corporate limits of the county.

44 (b) Immunity shall be waived under subsection (a) of this section even if the county has

45 not purchased insurance as authorized in G.S. 153A-435."

46 **SECTION 3.(c)** G.S. 160A-205.2 reads as rewritten:

47 "**§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited~~prohibited; waiver of**

48 **immunity.**

49 ...

50 (c) A city in violation of this section shall have waived its governmental immunity as

51 provided in G.S. 160A-485.1."

1 **SECTION 3.(d)** Article 21 of Chapter 160A of the General Statutes is amended by
2 adding a new section to read as follows:

3 **"§ 160A-485.1. Waiver of immunity; sanctuary status.**

4 (a) A city shall have waived its immunity from civil liability in tort if it does not comply
5 with G.S. 160A-205.2 and an unauthorized alien commits a crime against a person or property
6 within the corporate limits of the city.

7 (b) Immunity shall be waived under subsection (a) of this section even if the city has not
8 purchased insurance as authorized in G.S. 160A-485 or G.S. 160A-485.5(a)."

9
10 **PART IV. CREATION OF ADDITIONAL INCENTIVES FOR UNC CONSTITUENT**
11 **INSTITUTIONS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION**

12 **SECTION 4.** Part 3 of Article 1 of Chapter 116 of the General Statutes is amended
13 by adding a new section to read:

14 **"§ 116-40.14. Adoption of sanctuary status prohibited; investigation; penalties.**

15 (a) No constituent institution may have in effect any policy or procedure that limits or
16 restricts the enforcement of federal immigration laws to less than the full extent permitted by
17 federal law.

18 (b) No constituent institution shall do any of the following related to information
19 regarding the citizenship or immigration status, lawful or unlawful, of any individual:

- 20 (1) Prohibit law enforcement officials or agencies from gathering such
21 information.
22 (2) Direct law enforcement officials or agencies not to gather such information.
23 (3) Prohibit the communication of such information to federal law enforcement
24 agencies."

25
26 **PART V. EFFECTIVE DATE**

27 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
28 law.