

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45522-NQa-52

Short Title: Make Enf. Liable & Transparent (MELT) Act. (Public)

Sponsors: Senators Chitlik, Theodros, and Murdock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE ENFORCEMENT LIABLE AND TRANSPARENT.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. SUPPORT IMMIGRANT LEGAL DEFENSE**

6
7 **LEGISLATIVE FINDINGS AND TITLE**

8 **SECTION 1.1.(a)** The General Assembly makes the following findings:

- 9 (1) Session Law 2025-85 (House Bill 318) expanded cooperation between local
10 jails and federal immigration enforcement in ways that chilled community
11 trust in law enforcement.
12 (2) Session Law 2025-85 created additional pretrial detention based on
13 immigration status rather than risk or flight, undermining due process.
14 (3) Warrantless civil immigration arrests based solely on administrative warrants
15 raise serious constitutional and civil liberty concerns.
16 (4) North Carolina benefits when immigrant residents have access to competent
17 legal counsel in removal proceedings, asylum claims, and status stabilization
18 matters.
19 (5) Investing in trusted, community-based legal service providers is a more
20 effective and humane approach than prolonging detention based on federal
21 immigration detainees.

22 **SECTION 1.1.(b)** This Part shall be known as "Repeal Session Law 2025-85 and
23 Support Immigrant Legal Defense Act."

24
25 **REPEAL SESSION LAW 2025-85**

26 **SECTION 1.2.** S.L. 2025-85 is repealed.
27

28 **REQUIREMENT OF JUDICIAL WARRANT FOR FEDERAL IMMIGRATION**
29 **ENFORCEMENT ACTIONS WITHIN NORTH CAROLINA**

30 **SECTION 1.3.(a)** Article 20 of Chapter 15A of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 15A-407. Judicial warrants required.**

33 (a) Definitions. – For the purposes of this section, the following definitions apply:

- 34 (1) Administrative warrant. – Any warrant, detainer, or notice issued by a federal
35 executive branch immigration agency without prior judicial approval.



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- 1 (2) Judicial warrant. – A warrant issued by a judge or magistrate based on a
2 finding of probable cause.
- 3 (b) Judicial Warrant Requirement. – Notwithstanding any other provision of law, no
4 officer, agent, or employee of U.S. Customs and Border Protection (CBP) or U.S. Immigration
5 and Customs Enforcement (ICE) may take a person into custody, search a person, search
6 property, enter a residence, or otherwise conduct an immigration enforcement action within the
7 territorial jurisdiction of North Carolina unless the officer is acting pursuant to a valid judicial
8 warrant issued by a federal or state court based on probable cause.
- 9 (c) Administrative Warrants are Insufficient. – For the purposes of this section, an
10 administrative warrant, immigration detainer, notice of action, or other civil immigration
11 document issued solely by the United States Department of Homeland Security, CBP, or ICE
12 shall not constitute a judicial warrant. The aforementioned documents are insufficient for all of
13 the following actions:
- 14 (1) The detention, arrest, or search of any person or that person's domicile.
15 (2) The continued custody of any individual beyond their lawful release.
16 (3) Access to, disclosure of, or use of State or local government records,
17 databases, or systems, including, but not limited to, Division of Motor Vehicle
18 records, unless a warrant has been issued by a neutral judicial officer based on
19 probable cause.
- 20 (d) Limits on State and Local Assistance. – A State or local law enforcement agency,
21 officer, or employee shall not:
- 22 (1) Detain or continue to detain a person solely based on a CBP or ICE
23 administrative warrant or detainer.
24 (2) Transfer custody of a person to CBP or ICE in the absence of a judicial
25 warrant.
26 (3) Provide access to nonpublic areas of a detention facility to CBP or ICE for the
27 purpose of questioning, interviewing, or arresting a person without a judicial
28 warrant.
- 29 (e) Right to Not Cooperate. – Counties, municipalities, sheriffs, and local law
30 enforcement agencies retain the right to decline cooperation with federal immigration
31 enforcement in the absence of a judicial warrant.
- 32 (f) Exemption for Criminal Warrants. – Nothing in this section prohibits cooperation
33 with CBP or ICE when they are acting pursuant to a valid criminal warrant issued by a federal
34 court based on probable cause for a violation of federal criminal law.
- 35 (g) Remedies. – A person aggrieved by a violation of this section may seek declaratory
36 or injunctive relief in State court, and any evidence obtained in violation of this section shall be
37 inadmissible in any State proceeding."
- 38 **SECTION 1.3.(b)** Article 20 of Chapter 15A of the General Statutes is amended by
39 adding a new section to read:
- 40 **"§ 15A-408. Limitation on State and local roles in immigration detention.**
41 Notwithstanding any other provision of law:
- 42 (1) No county jail, local confinement facility, district confinement facility,
43 satellite jail, or work release unit shall hold a person solely on the basis of a
44 federal immigration detainer or administrative warrant beyond the time the
45 person would otherwise be eligible for release under State law.
- 46 (2) State and local law enforcement may, but are not required to, communicate
47 with federal authorities regarding immigration status, except where required
48 by federal court order.
- 49 (3) Nothing in this section prohibits compliance with valid criminal warrants or
50 judicial orders unrelated to civil immigration enforcement."
51

1 APPROPRIATION FOR COMMUNITY-BASED IMMIGRATION LEGAL SERVICES

2 **SECTION 1.4.(a)** Appropriation. – There is appropriated from the General Fund to
3 the Department of Administration the sum of four million dollars (\$4,000,000) in nonrecurring
4 funds for the 2026-2027 fiscal year to be transferred to the Office of State Budget and
5 Management for grants to the following entities and shall remain available until expended:

- 6 (1) One million dollars (\$1,000,000) to Carolina Migrant Network, Inc., a
7 nonprofit corporation.
- 8 (2) One million dollars (\$1,000,000) to Charlotte Center for Legal Advocacy,
9 Inc., a nonprofit corporation.
- 10 (3) One million dollars (\$1,000,000) to Legal Aid of North Carolina, Inc., a
11 nonprofit corporation, for the Immigration Pathways for Victims project.
- 12 (4) One million dollars (\$1,000,000) to North Carolina Justice Center, a nonprofit
13 corporation, for the Immigrant & Refugee Rights project.

14 **SECTION 1.4.(b)** Allowable Uses of Funds. – The grants appropriated in subsection
15 (a) of this section may be used for any of the following:

- 16 (1) Direct representation in removal proceedings and immigration court.
- 17 (2) Preparation and filing of asylum applications and related relief.
- 18 (3) Community legal education and "Know Your Rights" training.
- 19 (4) Outreach, intake, case management, and client navigation.
- 20 (5) Staffing, attorneys' fees, accredited representative costs, and reasonable
21 administrative expenses directly tied to service delivery.
- 22 (6) Assistance with stabilization of immigration status, including:
 - 23 a. Special Immigrant Juvenile Status.
 - 24 b. U-visas and T-visas.
 - 25 c. Violence Against Women Act (VAWA) self-petitions.
 - 26 d. Adjustment of status.
 - 27 e. Temporary Protected Status.
 - 28 f. Deferred action applications.

29 **SECTION 1.4.(c)** Reporting. – Each grantee shall submit an annual report to the
30 Department of Administration and the Joint Legislative Oversight Committee on Justice and
31 Public Safety that includes all of the following:

- 32 (1) Number of clients served.
- 33 (2) Types of cases handled.
- 34 (3) Case outcomes when permitted by confidentiality rules.
- 35 (4) Geographic distribution of services.
- 36 (5) Itemized use of funds.

37 SEVERABILITY

38 **SECTION 1.5.** If any provision of this Part or its application is held invalid, the
39 invalidity does not affect other provisions or applications of this Part that can be given effect
40 without the invalid provisions or application and, to this end, the provisions of this Part are
41 severable.
42

43 EFFECTIVE DATE

44 **SECTION 1.6.** This Part becomes effective July 1, 2026, and applies to any person
45 detained or arrested by the United States Immigration and Customs Enforcement or United States
46 Customs and Border Protection on or after that date.
47

48 PART II. NO SECRET POLICE**49 FACIAL COVERINGS, IDENTIFICATION, AND RECORDING**

1 **SECTION 2.1.(a)** Chapter 17F of the General Statutes is amended by adding a new
2 section to read:

3 **"§ 17F-22. Regulation of facial coverings worn by law enforcement officers.**

4 (a) Definitions. – As used in this section, the following definitions apply:

5 (1) Facial covering. – Any opaque mask, garment, or other item that conceals or
6 obscures the facial identity of the wearer, including a balaclava, tactical mask,
7 gator, ski mask, and any similar type of facial covering or face-shielding item.

8 This definition does not include any of the following:

9 a. A translucent face shield or clear mask that does not conceal the
10 wearer's facial identity.

11 b. An N95 medical mask or surgical mask to protect against transmission
12 of disease or infection or any other mask or device, including
13 air-purifying respirators, full or half masks, or self-contained breathing
14 apparatuses necessary to protect against exposure to any toxin, gas,
15 smoke, or any other hazardous environmental condition.

16 c. A helmet used to protect the wearer's head during transportation.

17 d. A head or face covering worn for religious purposes.

18 (2) Law enforcement officer. – An employee or agent of a State, local, or federal
19 government agency responsible for enforcement of State or federal laws.

20 (3) Undercover operation. – A planned act authorized by supervising agents,
21 agencies, or a court warrant that uses an undercover operative to intentionally
22 interact with a suspected criminal violator or others or to obtain evidence of
23 criminal activity.

24 (4) Undercover operative. – A law enforcement officer using an assumed name
25 or cover identity to interact with non-law enforcement individuals or entities
26 to collect evidence of criminal activity.

27 (b) Prohibition. – Law enforcement officers shall not wear facial coverings in the
28 performance of their duties, subject to the exceptions in subsection (c) of this section.

29 (c) Exceptions. – The prohibition on wearing facial coverings does not apply to any of
30 the following:

31 (1) Active undercover operations.

32 (2) Tactical operations where protective gear is required for physical safety.

33 (3) Protection of identity during prosecution.

34 (4) Situations in which applicable law governs occupational health and safety.

35 (5) Situations in which applicable law governs reasonable accommodations."

36 **SECTION 2.1.(b)** Chapter 17F of the General Statutes is amended by adding a new
37 section to read:

38 **"§ 17F-23. Identification of law enforcement officers.**

39 (a) Definition. – As used in this section, "law enforcement officer" has the same meaning
40 as in G.S. 17F-22.

41 (b) Agency Identification on Uniforms. – All law enforcement officers operating in this
42 State shall wear clear and accurate identification of their agency on their uniforms. Such
43 identification may not be misrepresented.

44 (c) Identification Upon Request. – All law enforcement officers operating in this State
45 shall identify themselves by name or badge number clearly and accurately upon any request."

46 **SECTION 2.1.(c)** Chapter 17F of the General Statutes is amended by adding a new
47 section to read:

48 **"§ 17F-24. Body-worn cameras; federal law enforcement.**

49 (a) For purposes of this section, "federal law enforcement" means any officer, agent,
50 employee, or other personnel employed or contracted by any agency of the United States

1 government, including Customs and Border Protection (CBP) and Immigration and Customs
2 Enforcement (ICE).

3 (b) All federal law enforcement shall wear operational body-worn cameras while in this
4 State. The body-worn cameras shall be turned on while on active duty and the footage shall be
5 retained.

6 (c) To the extent allowed by federal law, a federal law enforcement officer is civilly liable
7 for any injury caused by a violation of this statute."

8 SECTION 2.1.(d) This section becomes effective July 1, 2026.

9
10 **IMPERSONATION**

11 SECTION 2.2.(a) G.S. 14-277 reads as rewritten:

12 "**§ 14-277. Impersonation of a law-enforcement or other public officer.**

13 ...

14 (d1) Violations under this section are punishable as follows: follows if the person
15 impersonates a State or local sworn law-enforcement officer:

16 (1) A violation of subdivision (a)(1), (2), or (3) is a Class 1 misdemeanor.

17 (2) A violation of subdivision (b)(1), (2), (3), or (4) is a Class 1 misdemeanor.
18 Notwithstanding the disposition in G.S. 15A-1340.23, the court may impose
19 an intermediate punishment on a person sentenced under this subdivision.

20 (3) A violation of subdivision (a)(4) is a Class I felony.

21 (4) A violation of subdivision (b)(5) is a Class H felony.

22 (d2) Violations under this section are punishable as follows if the person impersonates a
23 federal sworn law-enforcement officer, including any impersonation of a federal immigration
24 enforcement agent:

25 (1) A violation of subdivision (a)(1), (2), or (3) is a Class I felony.

26 (2) A violation of subdivision (b)(1), (2), (3), or (4) is a Class I felony.

27 (3) A violation of subdivision (a)(4) is a Class H felony.

28 (4) A violation of subdivision (b)(5) is a Class G felony.

29"

30 SECTION 2.2.(b) This section becomes effective December 1, 2026, and applies to
31 offenses committed on or after that date.

32
33 **PART III. PROTECT SAFE SPACES**

34 SECTION 3.1. Article 1 of Chapter 64 of the General Statutes is amended by adding
35 a new section to read:

36 "**§ 64-6. Prohibition on immigration agreements.**

37 No employee or political subdivision of this State shall enter into any agreement with the
38 United States Attorney General to perform immigration officer functions pursuant to section
39 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357."

40 SECTION 3.2. Chapter 17F of the General Statutes is amended by adding a new
41 section to read:

42 "**§ 17F-25. Prohibit law enforcement agencies and officers from participating in**
43 **immigration enforcement in places holding court proceedings, places of religious**
44 **worship, elementary and secondary schools, and hospitals.**

45 (a) Notwithstanding any provision of law to the contrary and subject to G.S. 15A-407,
46 no law enforcement officer, as defined in G.S. 17F-22, shall assist federal law enforcement, as
47 defined in G.S. 17F-24, in the apprehension, arrest, or detention of persons for alleged or
48 suspected immigration violations in any of the following locations:

49 (1) A place holding a court proceeding in which the person to be apprehended,
50 arrested, or detained is any of the following:

51 a. A party or potential witness to the court proceeding.

1 b. A family or household member of a party or potential witness to the
2 court proceeding.

3 A person described in this subdivision shall not be arrested while going to,
4 remaining at, or returning from such place.

5 (2) A place of religious worship, including a church, chapel, meetinghouse,
6 synagogue, temple, longhouse, or mosque, or other building that is regularly
7 used, and clearly identifiable, as a place for religious worship or within 1,000
8 feet of such place.

9 (3) A public or nonpublic school providing elementary or secondary instruction
10 or within 1,000 feet of such school.

11 (4) A hospital, as defined by G.S. 131E-76(3), or within 1,000 feet of such
12 hospital.

13 (5) A public library.

14 (b) Any current or future memorandum, agreement, or contract made between a criminal
15 justice agency or sheriff's office and federal immigration authorities shall be void to the extent
16 that the performance of the memorandum, agreement, or contract would violate subsection (a) of
17 this section.

18 (c) Notwithstanding any provision of law to the contrary and subject to G.S. 15A-407,
19 no criminal justice officer, as defined by G.S. 17C-2, or justice officer, as defined by G.S. 17E-2,
20 shall assist federal law enforcement in the apprehension, arrest, or detention of persons for
21 alleged or suspected immigration violations in any of the locations referenced in subsection (a)
22 of this section.

23 (d) To the extent allowed by federal law, a federal law enforcement officer is civilly liable
24 for any injury caused by a violation of this statute."

25 **SECTION 3.3.** This Part becomes effective July 1, 2026.

26 27 **PART IV. NO DISAPPEARED NORTH CAROLINIANS**

28 **SECTION 4.1.** Chapter 17F of the General Statutes is amended by adding a new
29 section to read:

30 **"§ 17F-26. List of detainees and deportees; immediate notice.**

31 (a) The United States Department of Homeland Security shall provide the Governor with
32 a weekly list of all people detained within and deported from this State and the charges against
33 each detainee and deportee.

34 (b) The United States Department of Homeland Security shall immediately provide
35 notice to all of the following upon the detention within or deportation from this State of any
36 juvenile less than 18 years of age:

37 (1) The Governor.

38 (2) The school the juvenile attends."

39 **SECTION 4.2.** This Part becomes effective July 1, 2026, and applies to all detentions
40 and deportations committed on or after that date.

41 42 **PART V. PROTECT OUR PEOPLE**

43 **SECTION 5.1.** Article 3 of Chapter 95 of the General Statutes is amended by adding
44 a new section to read:

45 **"§ 95-31.1. Retaliation against Fourth Amendment workplaces prohibited.**

46 (a) As used in this section, "Fourth Amendment workplace" means any private or public
47 place of employment that has trained its staff on the United States Constitution's Fourth
48 Amendment protections against unreasonable searches and seizures.

49 (b) No State, local, or federal government or private entity shall retaliate in any manner
50 against a place of employment based upon its designation as a Fourth Amendment workplace."

51 **SECTION 5.2.** This Part becomes effective July 1, 2026.

1

2 **PART VI. EFFECTIVE DATE**

3 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
4 law.