

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH70415-MD-60 (4/5)

Short Title: Clarify Arrest Authority Over Illegal Aliens. (Public)

Sponsors: Representative Samuelson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT LAW ENFORCEMENT OFFICERS MAY ARREST PERSONS THAT HAVE BEEN IDENTIFIED BY LAW ENFORCEMENT AND AUTHENTICATED THROUGH NCIC AS SOMEONE WHO HAS CIVIL OR CRIMINAL IMMIGRATION CHARGES, WARRANTS, OR DETAINERS; OR AS SOMEONE AGAINST WHOM ANY OTHER CIVIL OR CRIMINAL CHARGE, ACTION, OR PROCEEDING ARISING OUT OF ACTION TAKEN BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY HAS BEEN FILED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-401(b)(2) reads as rewritten:

- "(2) Offense Out of Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to believe:
- a. Has committed a felony; or
 - b. Has committed a misdemeanor, and:
 1. Will not be apprehended unless immediately arrested, or
 2. May cause physical injury to himself or others, or damage to property unless immediately arrested; or
 - c. Has committed a misdemeanor under G.S. 14-72.1, 14-134.3, 20-138.1, or 20-138.2; or
 - d. Has committed a misdemeanor under G.S. 14-33(a), 14-33(c)(1), 14-33(c)(2), or 14-34 when the offense was committed by a person with whom the alleged victim has a personal relationship as defined in G.S. 50B-1; or
 - e. Has committed a misdemeanor under G.S. 50B-4.1(a); or
 - f. Has violated a pretrial release order entered under ~~G.S. 15A-534.1(a)(2).~~15A-534.1(a)(2); or

- 1 g. Has been identified by law enforcement and authenticated
2 through the National Criminal Information Center ('NCIC') as
3 someone:
4 1. Who has an outstanding Immigration and Customs
5 Enforcement civil or criminal charge, warrant, or
6 detainer; or
7 2. Against whom any other civil or criminal charge, action,
8 or proceeding arising out of action taken by the United
9 States Department of Homeland Security or any of its
10 branches or divisions, has been filed."

11 **SECTION 2.** This act becomes effective December 1, 2007.