

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 786
Committee Substitute Favorable 5/2/13
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Short Title: RECLAIM NC Act.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY
3 MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN
4 THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE
5 STATE'S E-VERIFY LAWS.

6 Whereas, the North Carolina General Assembly recognizes that the issue of
7 immigration is the responsibility of the federal government; and

8 Whereas, the federal government has failed to address the need for enforcement of
9 existing immigration laws or to act decisively to correct, amend, and reform existing
10 immigration procedures and policies; and

11 Whereas, federal courts have consistently upheld the authority of the federal
12 government to restrict the efforts of states to uphold and enforce federal immigration laws in
13 order to protect their citizens and their economies; and

14 Whereas, the federal government has endowed illegally present aliens with certain
15 entitlements to be provided by the various states via unfunded mandates; and

16 Whereas, those unfunded mandates and the failure to address illegal immigration
17 places an unwarranted strain on our State's law enforcement agencies, educational institutions,
18 and social safety nets and undermines our trust in the rule of law; and

19 Whereas, the General Assembly of North Carolina recognizes its responsibility to
20 protect and defend the citizens and the economy of the State of North Carolina; and

21 Whereas, North Carolina recognizes that the greatness of this State is the result of
22 appreciating, incorporating, and welcoming the vast diversity of immigrants who lawfully
23 assimilate into the culture and fabric that is North Carolina; and

24 Whereas, we do now encourage the North Carolina congressional delegation to
25 exert the strongest effort possible to enact appropriate federal legislation to secure our nation's
26 borders, uphold existing immigration laws, and reform the procedures and policies regarding
27 the immigration process in order to facilitate an even and orderly process for those wishing to
28 immigrate to our country; and

29 Whereas, we encourage the President to work in a dedicated and cooperative
30 fashion with Congress to restore dignity and transparency to the immigration process; and

31 Whereas, the wealth, beauty, and strength of North Carolina rests not only with her
32 natural attributes of mountains, beaches, and abundant resources but in the character of her
33 people and their ability to address problems and challenges before them with an objective
34 resolve tempered with a sense of fairness and consideration for all people; Now, therefore,



1 The General Assembly of North Carolina enacts:

2 **SECTION 1.(a)** The Department of Public Safety, in conjunction with the agencies
3 and industries described in subsection (b) of this section, shall study the potential impact on
4 public safety, the State economy, and illegal immigration to this State of adopting any or all of
5 the following measures:

- 6 (1) Increasing the penalties for crimes related to the possession, manufacture, or
7 sale of false drivers licenses and other identification documents.
- 8 (2) Creating a rebuttable presumption against the pretrial release of
9 undocumented aliens who commit serious crimes.
- 10 (3) Requiring a secured appearance bond as a condition of pretrial release for
11 undocumented aliens who have committed serious crimes.
- 12 (4) Requiring undocumented alien prisoners to reimburse the State for the cost
13 of their incarceration after conviction of a crime.
- 14 (5) Establishing standards of reasonable suspicion to guide law enforcement
15 officers in conducting immigration status checks when conducting a lawful
16 stop, detention, or arrest.
- 17 (6) Prohibiting the use of consular documents from being considered a valid
18 means of establishing a person's identity by a justice, judge, clerk,
19 magistrate, law enforcement officer, or other State official.
- 20 (7) Implementing a process for undocumented aliens to obtain a temporary
21 driving privilege. This portion of the study shall:
 - 22 a. Examine the impact that such a process would have on highway
23 safety, insurance rates, and claims for accidents that occur at the
24 hands of the uninsured.
 - 25 b. Estimate the number of individuals who would seek to obtain a
26 temporary driving privilege through such a process.
 - 27 c. Determine whether there are adequate insurance products available to
28 insure individuals who obtain the temporary driving privilege.
 - 29 d. Examine any other matters that the Division of Motor Vehicles
30 deems relevant.
- 31 (8) Adopting measures that have been adopted in other States to combat the
32 problem of illegal immigration.

33 **SECTION 1.(b)** In conducting the study required by this section, the Department
34 of Public Safety shall consult with the Department of Insurance, the Division of Motor
35 Vehicles, the Department of Commerce, representatives of the service and agricultural
36 industries, representatives of the immigrant community, and any other agencies, institutions, or
37 individuals that the Department deems appropriate.

38 **SECTION 1.(c)** The study shall examine the potential impact of the measures
39 described in subsection (a) of this section:

- 40 (1) On the State economy.
- 41 (2) On the community of lawful immigrants in this State.
- 42 (3) On the provision of social services.
- 43 (4) On tax collection.
- 44 (5) On law enforcement.
- 45 (6) In light of the impact of similar measures enacted in other states on these
46 areas.
- 47 (7) In light of their relation to the uncertainty that all businesses, including the
48 high-tech, agriculture, hospitality, and other service sectors endure under our
49 current federal system. The Department of Commerce shall be the lead
50 coordinating agency for purposes of this subdivision.

1 **SECTION 1.(d)** The Department of Public Safety shall report its findings and
2 recommendations to the Chairs of the Joint Legislative Oversight Committee on Justice and
3 Public Safety no later than March 1, 2014. The Department of Public Safety may use funds
4 available to contract for services related to this study.

5 **SECTION 2.(a)** G.S. 153A-449 reads as rewritten:

6 "**§ 153A-449. Contracts with private ~~entities~~.entities; contractors must use E-Verify.**

7 (a) Authority. – A county may contract with and appropriate money to any person,
8 association, or corporation, in order to carry out any public purpose that the county is
9 authorized by law to engage in.

10 (b) Contractors Must Use E-Verify. – No county may enter into a contract unless the
11 contractor and the contractor's subcontractors comply with the requirements of Article 2 of
12 Chapter 64 of the General Statutes."

13 **SECTION 2.(b)** G.S. 160A-20.1 reads as rewritten:

14 "**§ 160A-20.1. Contracts with private ~~entities~~.entities; contractors must use E-Verify.**

15 (a) Authority. – A city may contract with and appropriate money to any person,
16 association, or corporation, in order to carry out any public purpose that the city is authorized
17 by law to engage in.

18 (b) Contractors Must Use E-Verify. – No city may enter into a contract unless the
19 contractor and the contractor's subcontractors comply with the requirements of Article 2 of
20 Chapter 64 of the General Statutes."

21 **SECTION 2.(c)** G.S. 143-129 is amended by adding a new subsection to read:

22 "(j) No contract subject to this section may be awarded by any board or governing body
23 of the State, institution of State government, or any political subdivision of the State unless the
24 contractor and the contractor's subcontractors comply with the requirements of Article 2 of
25 Chapter 64 of the General Statutes."

26 **SECTION 2.(d)** Article 3 of Chapter 143 of the General Statutes is amended by
27 adding a new section to read:

28 "**§ 143-48.5. Contractors must use E-Verify.**

29 No contract subject to the provisions of this Article may be entered into unless the
30 contractor and the contractor's subcontractors comply with the requirements of Article 2 of
31 Chapter 64 of the General Statutes."

32 **SECTION 2.(e)** G.S. 147-33.95 is amended by adding a new subsection to read:

33 "(g) No contract subject to the provisions of this Part may be entered into unless the
34 contractor and the contractor's subcontractors comply with the requirements of Article 2 of
35 Chapter 64 of the General Statutes."

36 **SECTION 2.(f)** G.S. 64-25(3) reads as rewritten:

37 "**§ 64-25. Definitions.**

38 The following definitions apply in this Article:

39 ...

40 (3) Employee. – Any individual who provides services or labor for an employer
41 in this State for wages or other remuneration. The term does not include an
42 individual whose term of employment is less than nine months in a calendar
43 year.

44"

45 **SECTION 2.(g)** G.S. 64-26(c) is repealed.

46 **SECTION 3.** This act is effective when it becomes law.