

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2025

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SENATE BILL 153 Second Edition Engrossed 3/4/25

Short Title: North Carolina Border Protection Act.

(Public)

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

Referred to: Rules and Operations of the Senate

February 25, 2025

1 A BILL TO BE ENTITLED

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

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

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

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

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

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

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



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:

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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 Immigration and Nationality Act (8 U.S.C. § 1357(g)), to permit
16 designated State law enforcement officers to perform immigration law
17 enforcement functions. The designated State law enforcement officers shall
18 be required to receive appropriate training as provided by ICE and shall
19 function under the supervision of ICE officers when performing under the
20 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 Immigration and Nationality Act (8 U.S.C. § 1357(g)), to permit
46 designated State law enforcement officers to perform immigration law
47 enforcement functions. The designated State law enforcement officers shall
48 be required to receive appropriate training as provided by ICE and shall
49 function under the supervision of ICE officers when performing under the
50 MOA.

51 (2) Develop departmental policies requiring each of the following:

- a. Employees of the Department shall attempt to determine if any person in the custody or under the supervision of the Department is a legal resident or citizen of the United States or its territories by inquiry of the person, or by examination of any relevant documents, or both.
- b. When employees are unable to determine if a person is a legal resident or citizen of the United States or its territories under sub-subdivision a. of this subdivision, the employees shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security.
- c. When employees determine that a person in the custody or under the supervision of the Department is not a legal resident or citizen of the United States or its territories, the employees shall provide requested information regarding the person to Immigration and Customs Enforcement of the United States Department of Homeland Security.

(3) Cooperate to the fullest extent allowed by law with Immigration and Customs Enforcement of the United States Department of Homeland Security.

(4) No later than August 1, 2025, report the Memorandum of Agreement and departmental policies required by this section to the Joint Legislative Oversight Committee on Justice and Public Safety.

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

- (1) Enter into a Memorandum of Agreement (MOA) with the Director of U.S. Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. § 1357(g)), to permit designated State law enforcement officers to perform immigration law enforcement functions. The designated State law enforcement officers shall be required to receive appropriate training as provided by ICE and shall function under the supervision of ICE officers when performing under the MOA.
- (2) Develop State Highway Patrol policies requiring each of the following:
 - a. Employees of the State Highway Patrol shall attempt to determine if any person in the custody or under the supervision of the State Highway Patrol is a legal resident or citizen of the United States or its territories by inquiry of the person, or by examination of any relevant documents, or both.
 - b. When employees are unable to determine if a person is a legal resident or citizen of the United States or its territories under sub-subdivision a. of this subdivision, the employees shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security.
 - c. When employees determine that a person in the custody or under the supervision of the State Highway Patrol is not a legal resident or citizen of the United States or its territories, the employees shall provide requested information regarding the person to Immigration and Customs Enforcement of the United States Department of Homeland Security.
- (3) Cooperate to the fullest extent allowed by law with Immigration and Customs Enforcement of the United States Department of Homeland Security.
- (4) No later than August 1, 2025, report the Memorandum of Agreement and State Highway Patrol policies required by this section to the Joint Legislative 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 Immigration and Nationality Act (8 U.S.C. § 1357(g)), to permit
6 designated State law enforcement officers to perform immigration law
7 enforcement functions. The designated State law enforcement officers shall
8 be required to receive appropriate training as provided by ICE and shall
9 function under the supervision of ICE officers when performing under the
10 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.

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

41 **SECTION 2.(a)** The Office of State Budget and Management (OSBM) shall
42 examine covered State public benefits programs to determine whether, and the extent to which,
43 such 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.

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

SECTION 2.(b) In accordance with subdivision (15) of subsection (a) of this section, program under the oversight of the Board of Trustees of the Teachers' and State 's Retirement System established under G.S. 135-2 or the Board of Trustees of the vernal Employees' Retirement System established under G.S. 128-22, the certification of the accuracy of submitted information pursuant to G.S. 128-30(g)(4) 35-8(f)(4) shall establish that State public benefits are not being provided to ed aliens. OSBM shall examine participating employers to determine whether they are only legally authorized employees.

PART III. WAIVER OF LOCAL GOVERNMENT IMMUNITY

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

"§ 153A-145.5. Adoption of sanctuary ordinance prohibited; waiver of immunity.

(c) A county in violation of this section shall have waived its governmental immunity as provided in G.S. 153A-435.1."

SECTION 3.(b) Article 23 of Chapter 153A of the General Statutes is amended by new section to read as follows:

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

(a) A county shall have waived its immunity from civil liability in tort if it does not comply with G.S. 153A-145.5 and an unauthorized alien commits a crime against a person or property within the corporate limits of the county.

1 (b) Immunity shall be waived under subsection (a) of this section even if the county has
2 not purchased insurance as authorized in G.S. 153A-435."

3 **SECTION 3.(c)** G.S. 160A-205.2 reads as rewritten:
4 **"§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited~~prohibited; waiver of**
5 **immunity.**

6 ...
7 (c) A city in violation of this section shall have waived its governmental immunity as
8 provided in G.S. 160A-485.1."

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

11 **"§ 160A-485.1. Waiver of immunity; sanctuary status.**

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

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

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PART IV. UNC CONSTITUENT INSTITUTIONS TO COMPLY WITH LAWS 19 RELATED TO IMMIGRATION

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

22 **"§ 116-40.14. Adoption of sanctuary status prohibited.**

23 (a) A constituent institution shall not have any policy or regulation that limits or restricts
24 the enforcement of federal immigration laws to less than the full extent permitted by federal law.

25 (b) To the extent permitted by federal law, a constituent institution shall not do any of the
26 following related to information regarding the immigration status of any individual:

27 (1) Prevent law enforcement officials or agencies from gathering the information.
28 (2) Prevent communication of the information to federal law enforcement
29 agencies."

30

PART V. EFFECTIVE DATE

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