

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 135
Committee Substitute Favorable 5/2/19

Short Title: Government Immigration Compliance.

(Public)

Sponsors:

Referred to:

February 21, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO
3 COMPLY WITH STATE LAWS RELATED TO IMMIGRATION, TO CREATE A
4 PRIVATE CAUSE OF ACTION TO REMEDY LOCAL GOVERNMENT
5 NONCOMPLIANCE WITH STATE IMMIGRATION LAWS, TO PROHIBIT UNC
6 CONSTITUENT INSTITUTIONS FROM BECOMING SANCTUARY UNIVERSITIES,
7 AND TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A
8 MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF HOMELAND
9 SECURITY.

10 The General Assembly of North Carolina enacts:

11
12 **PART I. RECODIFICATION OF STATUTE AND REPEAL OF STATUTORY**
13 **EXCEPTION**

14 **SECTION 1.(a)** G.S. 15A-311 is recodified as G.S. 64-6 under Article 1 of Chapter
15 64 of the General Statutes.

16 **SECTION 1.(b)** G.S. 15A-311, as recodified by subsection (a) of this section, reads
17 as rewritten:

18 "**§ 64-6. ~~Consulate~~ Certain documents not acceptable as identification.**

19 (a) The following documents are not acceptable for use in determining a person's actual
20 identity or residency by a justice, judge, clerk, magistrate, law enforcement officer, or other
21 government official:

22 (1) A matricula consular or other similar document, other than a valid passport,
23 issued by a consulate or embassy of another country.

24 (2) An identity document issued or created by any person, organization, county,
25 city, or other local authority, except where expressly authorized to be used for
26 this purpose by the General Assembly.

27 (b) No local government or law enforcement agency may establish, by policy or
28 ordinance, the acceptability of any of the documents described in subsection (a) of this section
29 as a form of identification to be used to determine the identity or residency of any person. Any
30 local government policy or ordinance that contradicts this section is hereby repealed.

31 ~~(c) Notwithstanding subsection (a) of this section, documents described in subdivision~~
32 ~~(2) of subsection (a) of this section may be used by a law enforcement officer to assist in~~
33 ~~determining the identity or residency of a person when they are the only documents providing an~~
34 ~~indication of identity or residency available to the law enforcement officer at the time.~~

35 (d) If a person is unable to provide allowable documentation of identity and residency, a
36 law enforcement officer or agency may at their discretion, use whatever information or



1 documentation the individual may present as proof of identity or residency and may take a
2 photograph of the person. Any photograph authorized under this subsection and taken by a law
3 enforcement officer or agency:

- 4 (1) Shall only be taken from the neck up.
- 5 (2) Shall be retained by the law enforcement officer or agency until the final
6 disposition of the case.
- 7 (3) Shall not be used for any purpose other than to confirm the identity of the
8 person.
- 9 (4) Shall be destroyed by the law enforcement officer or agency upon the final
10 disposition of the matter.

11
12 **PART II. CREATION OF ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS**
13 **TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION AND CREATION**
14 **OF PRIVATE CAUSE OF ACTION**

15 SECTION 2.(a) Chapter 64 of the General Statutes is amended by adding a new
16 Article to read:

17 "Article 3.

18 "Local Government Noncompliance With State Laws Related to Immigration.

19 "**§ 64-49. Findings.**

20 The General Assembly finds the following:

- 21 (1) That the policy objectives it seeks to further by enacting State laws applicable
22 to cities, counties, and law enforcement agencies are frustrated when those
23 entities do not uniformly comply with State law.
- 24 (2) That Section 7(1) of Article V and other sections of the North Carolina
25 Constitution grant the General Assembly supreme power and complete
26 discretion over the appropriation of State funds.
- 27 (3) That the General Assembly's power over the appropriation of State funds can
28 be used to create additional incentives for cities, counties, and law
29 enforcement agencies to comply with duly enacted laws.
- 30 (4) That statutorily setting forth the manner in which the General Assembly elects
31 to exercise its discretion with respect to appropriations provides cities,
32 counties, and law enforcement agencies with a measure of predictability that
33 can be useful to those entities in planning and carrying out their functions and
34 duties.

35 "**§ 64-50. Definitions.**

36 The following definitions apply in this Article:

- 37 (1) Affected local government. – Any of the following:
 - 38 a. A municipality found to be not in compliance with a State law related
39 to immigration.
 - 40 b. A municipality in which a municipal law enforcement agency has been
41 found to be not in compliance with a State law related to immigration.
 - 42 c. A county found to be not in compliance with a State law related to
43 immigration.
 - 44 d. A county in which a county law enforcement agency has been found
45 to be not in compliance with a State law related to immigration.
- 46 (2) Law enforcement agency. – A municipal police department, a county police
47 department, or a sheriff's office.
- 48 (3) State law related to immigration. – G.S. 64-6(b), 153A-145.5, or 160A-205.2.

49 "**§ 64-51. Attorney General to prepare form.**

50 (a) Preparation of Form. – The Attorney General shall prescribe a form for a person to
51 allege that a city, county, or law enforcement agency is not in compliance with a State law related

1 to immigration. The form shall clearly state that completed forms shall be sent to the Attorney
2 General in order to be filed. The form shall be made available to the public on the Attorney
3 General's Web site.

4 (b) Certain Information Not Required. – A person shall not be required to list the person's
5 Social Security number on the complaint form or to have the form notarized.

6 **"§ 64-52. Filing of statement alleging noncompliance with a State law related to**
7 **immigration.**

8 Any person with a good-faith belief that a municipality, county, or law enforcement agency
9 is not in compliance with a State law related to immigration may file a statement with the
10 Attorney General setting forth the basis for that belief. The statement may be on a form prescribed
11 by the Attorney General pursuant to G.S. 64-51 or may be made in any other form that gives the
12 Attorney General information sufficient to proceed with an investigation under G.S. 64-53.
13 Nothing in this section shall be construed to prohibit the filing of anonymous statements that are
14 not submitted on a prescribed form.

15 **"§ 64-53. Investigation.**

16 (a) Investigation. – Within 45 days of receipt of a statement filed in accordance with
17 G.S. 64-52, the Attorney General shall commence an investigation to determine whether the
18 municipality, county, or law enforcement agency is in compliance with a State law related to
19 immigration. Within 60 days of commencing the investigation, the Attorney General shall
20 conclude the investigation and shall issue a written determination on whether the municipality,
21 county, or law enforcement agency is in compliance with a State law related to immigration. The
22 Attorney General shall mail a copy of the written determination by registered or certified mail,
23 return receipt requested, to the municipality, county, or law enforcement agency being
24 investigated.

25 (b) Assistance by Law Enforcement. – The Attorney General may request that the State
26 Bureau of Investigation assist in an investigation under this section, and the State Bureau of
27 Investigation shall assist in the investigation when it receives such a request.

28 (c) Production of Documents. – A local government or law enforcement agency under
29 investigation pursuant to this section shall produce records or documents related to alleged
30 noncompliance with a State law related to immigration within 10 business days of a request by
31 the Attorney General to do so.

32 (d) Confidentiality. – Statements filed with the Attorney General pursuant to G.S. 64-52
33 and reports and other investigative documents and records of the Attorney General connected to
34 an investigation under this section shall be confidential and not matters of public record, except
35 when the local government or law enforcement agency under investigation pursuant to this
36 section authorizes in writing that these statements, reports, documents, and records be made
37 public. Once an investigation under this section is complete, or once 60 days have elapsed since
38 the investigation was commenced, whichever is earlier, the statement and all other reports and
39 other investigative documents and records of the Attorney General connected to an investigation
40 under this section, not otherwise privileged or confidential under law, shall be public records.

41 **"§ 64-54. Consequences of noncompliance with a State law related to immigration.**

42 (a) Consequences of Noncompliance Generally. – Upon determination by the Attorney
43 General pursuant to G.S. 64-53 that an affected local government is not in compliance with a
44 State law related to immigration and after any appeal under G.S. 64-56 is final, all of the
45 following shall apply:

- 46 (1) The affected local government shall be ineligible to receive distributions
47 under G.S. 105-113.82, 105-164.44F, 105-164.44I, 105-164.44L,
48 105-187.19(b), and 136-41.1 for one 12-month period beginning as soon as
49 practicable after the date the Department of Transportation, the State
50 Controller, and the Secretary of Revenue are notified of noncompliance with

- 1 the State law related to immigration under subdivisions (3) and (4) of this
2 section.
- 3 (2) If, within 60 days of the Attorney General's determination, the affected local
4 government fails to demonstrate to the Attorney General's satisfaction that it
5 is in compliance with all State laws related to immigration, the period of
6 ineligibility shall be extended for an additional 12-month period.
- 7 (3) The Attorney General shall notify the following entities of the determination
8 that the affected local government is not in compliance with a State law related
9 to immigration and of the duration of the period of ineligibility to receive
10 funds determined pursuant to subdivision (1) of this subsection:
- 11 a. The affected local government.
- 12 b. The chairs of the Appropriations Committees of the Senate and House
13 of Representatives.
- 14 c. The chairs of the Joint Legislative Commission on Governmental
15 Operations.
- 16 d. The Office of State Budget and Management.
- 17 e. The Secretary of Revenue.
- 18 (4) The Office of State Budget and Management shall notify the Department of
19 Transportation and the State Controller of an affected local government's
20 ineligibility to receive the funds described in subdivision (1) of this
21 subsection. The Secretary of Revenue shall withhold any distributions
22 otherwise due to the affected local government under subdivision (1) of this
23 subsection.
- 24 (5) The Department of Transportation, the State Controller, and the Secretary of
25 Revenue shall ensure that the funds described in subdivision (1) of this
26 subsection are not distributed to an affected local government and that the
27 funds are instead distributed to other local governments that are eligible for
28 distributions pursuant to the relevant statute.
- 29 (b) Consequences of Noncompliance; E-Verify Statutes. – When the Attorney General
30 receives a notification from the Commissioner of Labor pursuant to G.S. 64-33.1(b) that a
31 municipality or county has violated G.S. 143-133.3, all of the provisions of subsection (a) of this
32 section shall apply.
- 33 (c) Exceptions. – No enactment by the General Assembly shall be construed as an
34 exception to this section unless it specifically mentions this section.
- 35 **§ 64-55. Attorney General to maintain copies of orders; reporting.**
- 36 (a) Database. – The Attorney General shall maintain a database of the affected local
37 governments that are ineligible to receive the funds described in G.S. 64-54(a)(1) and shall make
38 the database accessible to the public through the Attorney General's Web site.
- 39 (b) Reporting. – The Attorney General shall report quarterly to the Joint Legislative
40 Commission on Governmental Operations on all of the following:
- 41 (1) The number of statements received by the Attorney General pursuant to
42 G.S. 64-52.
- 43 (2) The number of investigations performed pursuant to G.S. 64-53.
- 44 (3) The number of times consequences for noncompliance with a State law related
45 to immigration were imposed pursuant to G.S. 64-54.
- 46 (4) The names of affected local governments.
- 47 **§ 64-56. Appeal.**
- 48 (a) A determination made by the Attorney General under this Article may be appealed
49 only to the extent and in the manner required by the United States and North Carolina
50 Constitutions. The imposition of consequences for noncompliance with a State law related to
51 immigration pursuant to G.S. 64-54 shall not occur until an appeal made under this section is

1 final. However, if an appeal under this section is unsuccessful, the length of the period during
2 which an affected local government shall be ineligible to receive the funds described in
3 G.S. 64-54(a)(1) shall be the same as it would have been had no appeal been made.

4 (b) A determination by the Attorney General under this Article that an affected local
5 government is not in compliance with a State law related to immigration shall be final, unless
6 within 15 days after receipt of notice of the determination as provided in G.S. 64-53, the affected
7 local government appeals the determination by filing a contested case under Article 3 of Chapter
8 150B of the General Statutes.

9 (c) The Attorney General must notify the entities listed in G.S. 64-54(a)(3) of any
10 unsuccessful appeal by an affected local government. Once notified, the Office of State Budget
11 and Management shall notify the Department of Transportation and the State Controller of the
12 unsuccessful appeal. The period of ineligibility under G.S. 64-54(a)(1) and (2) shall begin as
13 soon as practicable after the date the Department of Transportation, the State Controller, and the
14 Secretary of Revenue are notified of the unsuccessful appeal.

15 **"§ 64-57. Attorney General may designate appointed official to carry out duties.**

16 The Attorney General may designate a person to carry out the Attorney General's duties under
17 this Article. The designee shall be an individual appointed by the Attorney General and shall not
18 be a member of the Council of State or any other elected official.

19 **"§ 64-58. Rules.**

20 The Attorney General shall adopt rules needed to implement this Article.

21 **"§ 64-59. Private enforcement.**

22 In addition to any other remedies at law or in equity, any person who resides within the
23 jurisdiction of a municipality, county, or law enforcement agency that the person believes is not
24 in compliance with a State law related to immigration may bring an action for declaratory and
25 injunctive relief. Such action shall be filed in the superior court of any county in which the
26 defendant municipality, county, or local law enforcement agency has jurisdiction. The court shall
27 award the prevailing party in an action brought under this section reasonable attorneys' fees and
28 court costs as authorized by law. The court shall impose a civil penalty against any municipality,
29 county, or law enforcement agency that fails to comply with an order issued as a result of an
30 action pursuant to this section in an amount up to ten thousand dollars (\$10,000) per day for each
31 day the municipality, county, or local law enforcement agency fails to comply with the order."

32 **SECTION 2.(b)** G.S. 64-33.1 reads as rewritten:

33 **"§ 64-33.1 Consequences of violation of G.S. 143-133.3.**

34 (a) All Violations. – For any violation of G.S. 143-133.3, the Commissioner shall notify
35 the board or governing body of the State, or of any institution of the State government, or of any
36 political subdivision of the State, found to have committed the violation that the board or
37 governing body of the State, or of any institution of the State government, or of any political
38 subdivision of the State, is in violation of the applicable statute. The Department of Labor shall
39 maintain a list of any boards or governing bodies of the State, or of any institutions of the State
40 government, or of any political subdivisions of the State, issued notices pursuant to this section
41 and shall make that list available on its Web site.

42 (b) Violations by Certain Local Entities. – For a violation of G.S. 143-133.3 by a
43 municipality or county, the Commissioner shall immediately notify the Attorney General of the
44 violation so that the Attorney General can take action in accordance with G.S. 64-54(b).
45 Additionally, the Commissioner shall notify the Attorney General if, within 60 days of the
46 Commissioner's determination that there has been a violation, the political subdivision fails to
47 demonstrate to the Commissioner's satisfaction that the political subdivision is in compliance
48 with G.S. 143-133.3. The Commissioner may hold additional hearings as needed to implement
49 this subsection.

50 (c) Violations by Local School Administrative Units. – For a violation of G.S. 143-133.3
51 by a local school administrative unit, the Commissioner shall immediately notify the

1 Superintendent of Public Instruction in accordance with G.S. 115C-52. Additionally, the
2 Commissioner shall notify the Superintendent if, within 60 days of the Commissioner's
3 determination that there has been a violation, the local school administrative unit fails to
4 demonstrate to the Commissioner's satisfaction that the local school administrative unit is in
5 compliance with G.S. 143-133.3. The Commissioner may hold additional hearings as needed to
6 implement this subsection."

7 **SECTION 2.(c)** G.S. 136-41.1 is amended by adding a new subsection to read:

8 "(e) No city or town shall receive any allocation under this section for any period during
9 which it is ineligible to receive those funds under G.S. 64-54."

10 **SECTION 2.(d)** G.S. 105-113.82(a) reads as rewritten:

11 "(a) Amount. – ~~The Subject to G.S. 64-54, the~~ Secretary must distribute annually a
12 percentage of the net amount of excise taxes collected on the sale of malt beverages and wine
13 during the preceding 12-month period ending March 31 to the counties or cities in which the
14 retail sale of these beverages is authorized in the entire county or city. The percentages to be
15 distributed are as follows:

16"

17 **SECTION 2.(e)** G.S. 105-164.44F(a) reads as rewritten:

18 "(a) Amount. – ~~The Subject to G.S. 64-54, the~~ Secretary must distribute part of the taxes
19 imposed by G.S. 105-164.4(a)(4c) on telecommunications service and ancillary service. The
20 Secretary must make the distribution within 75 days after the end of each calendar quarter. The
21 amount the Secretary must distribute is the following percentages of the net proceeds of the taxes
22 collected during the quarter:

23"

24 **SECTION 2.(f)** G.S. 105-164.44I(a) reads as rewritten:

25 "(a) Distribution. – ~~The Subject to G.S. 64-54, the~~ Secretary must distribute to the counties
26 and cities part of the taxes imposed by G.S. 105-164.4(a)(4c) on telecommunications service and
27 G.S. 105-164.4(a)(6) on video programming service. The Secretary must make the distribution
28 within 75 days after the end of each calendar quarter. The amount the Secretary must distribute
29 is the sum of the revenue listed in this subsection. From this amount, the Secretary must first
30 make the distribution required by subsection (b) of this section and then distribute the remainder
31 in accordance with subsections (c) and (d) of this section. The revenue to be distributed under
32 this section consists of the following:

33"

34 **SECTION 2.(g)** G.S. 105-164.44L(a) reads as rewritten:

35 "(a) Distribution. – ~~The Subject to G.S. 64-54, the~~ Secretary must distribute to cities
36 twenty percent (20%) of the net proceeds of the tax collected under G.S. 105-164.4 on piped
37 natural gas, less the cost to the Department of administering the distribution. Each city's share of
38 the amount to be distributed is its excise tax share calculated under subsection (b) of this section
39 plus its ad valorem share calculated under subsection (c) of this section. A gas city will also
40 receive an amount calculated under subsection (b1) of this section as part of its excise tax share.
41 If the net proceeds of the tax allocated under this section are not sufficient to distribute the excise
42 tax share of each city under subsection (b) of this section and the gas city share under subsection
43 (b1) of this section, the proceeds shall be distributed to each city on a pro rata basis. The Secretary
44 must make the distribution within 75 days after the end of each quarter."

45 **SECTION 2.(h)** G.S. 105-187.19(b) reads as rewritten:

46 "(b) Each quarter, the Secretary shall credit thirty percent (30%) of the net tax proceeds to
47 the General Fund. ~~The Subject to G.S. 64-54, the~~ Secretary shall distribute the remaining seventy
48 percent (70%) of the net tax proceeds among the counties on a per capita basis according to the
49 most recent annual population estimates certified to the Secretary by the State Budget Officer."

50 **SECTION 2.(i)** Article 5 of Chapter 115C of the General Statutes is amended by
51 adding a new section to read as follows:

1 **"§ 115C-52. Consequences of noncompliance by a local school administrative unit with**
 2 **E-verify related to immigration.**

3 (a) Consequences of Noncompliance; E-Verify Statutes. – The Commissioner of Labor
 4 shall include notice to the Superintendent of Public Instruction when notifying a local board of
 5 education pursuant to G.S. 64-33.1(c) that a local board of education is not in compliance with
 6 G.S. 143-133.3. No State funds shall be allocated to pay the local superintendent's salary for one
 7 12-month period beginning as soon as practicable after the date the Superintendent of Public
 8 Instruction is notified of noncompliance.

9 (b) If, within 60 days of the Commissioner of Labor's notice to the Superintendent the
 10 local board of education fails to demonstrate to the Commissioner of Labor's satisfaction that it
 11 is in compliance with G.S. 143-133.3, the Commissioner of Labor shall provide notice to the
 12 Superintendent of Public Instruction, and no State funds shall be allocated to pay the local
 13 superintendent's salary for an additional 12-month period.

14 (c) The Commissioner of Labor shall notify the following entities of the determination
 15 that the local board of education is not in compliance with G.S. 143-133.3 and of the duration of
 16 the period of ineligibility for State funds to be used for the salary of the local school
 17 superintendent:

- 18 (1) The affected local board of education.
- 19 (2) The chairs of the Appropriations Committees of the Senate and House of
 20 Representatives.
- 21 (3) The chairs of the Joint Legislative Commission on Governmental Operations.
- 22 (4) The Office of State Budget and Management.
- 23 (5) The Superintendent of Public Instruction.
- 24 (6) The State Board of Education."

25
 26 **PART III. PRIVATE RIGHT OF ACTION TO SEEK DECLARATORY AND**
 27 **INJUNCTIVE RELIEF BASED ON LOCAL GOVERNMENT ADOPTION OF A**
 28 **PROHIBITED SANCTUARY ORDINANCE**

29 **SECTION 3.(a)** G.S. 153A-145.5 is amended by adding a new subsection to read:

30 "(c) In addition to any other remedies at law or in equity, any person who resides within
 31 the jurisdiction of a county that the person believes is not in compliance with this section may
 32 bring an action for declaratory and injunctive relief in the superior court of the defendant county.
 33 The court shall award the prevailing party in an action brought under this subsection reasonable
 34 attorneys' fees and court costs as authorized by law. The court shall impose a civil penalty against
 35 any county that fails to comply with an order issued as a result of an action pursuant to this section
 36 in an amount up to ten thousand dollars (\$10,000) per day for each day the county fails to comply
 37 with the order."

38 **SECTION 3.(b)** G.S. 160A-205.2 is amended by adding a new subsection to read:

39 "(c) In addition to any other remedies at law or in equity, any person who resides within
 40 the jurisdiction of a city that the person believes is not in compliance with this section may bring
 41 an action for declaratory and injunctive relief. Such action shall be filed in the superior court of
 42 any county in which the defendant city has jurisdiction. The court shall award the prevailing
 43 party in an action brought under this subsection reasonable attorneys' fees and court costs as
 44 authorized by law. The court shall impose a civil penalty against any city that fails to comply
 45 with an order issued as a result of an action pursuant to this section in an amount up to ten
 46 thousand dollars (\$10,000) per day for each day the city fails to comply with the order."

47
 48 **PART IV. WAIVER OF LOCAL GOVERNMENT IMMUNITY**

49 **SECTION 4.(a)** G.S. 153A-145.5 reads as rewritten:

50 **"§ 153A-145.5. Adoption of sanctuary ordinance ~~prohibited~~prohibited; waiver of**
 51 **immunity.**

1 ...
2 (d) A county in violation of this section shall have waived its governmental immunity as
3 provided in G.S. 153A-435.1."

4 **SECTION 4.(b)** Article 23 of Chapter 153A of the General Statutes is amended by
5 adding a new section to read as follows:

6 **"§ 153A-435.1. Waiver of immunity; sanctuary status.**

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

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

12 **SECTION 4.(c)** G.S. 160A-205.2 reads as rewritten:

13 **"§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited~~prohibited; waiver of**
14 **immunity.**

15 ...
16 (d) A city in violation of this section shall have waived its governmental immunity as
17 provided in G.S. 160A-485.1."

18 **SECTION 4.(d)** Article 21 of Chapter 160A of the General Statutes is amended by
19 adding a new section to read as follows:

20 **"§ 160A-485.1. Waiver of immunity; sanctuary status.**

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

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

26
27 **PART V. CREATION OF ADDITIONAL INCENTIVES FOR UNC CONSTITUENT**
28 **INSTITUTIONS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION**

29 **SECTION 5.** Part 3 of Article 1 of Chapter 116 of the General Statutes is amended
30 by adding a new section to read:

31 **"§ 116-40.13. Adoption of sanctuary status prohibited; investigation; penalties.**

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

35 (b) To the extent permitted by federal and State law, no constituent institution shall do
36 any of the following related to information regarding the citizenship or immigration status, lawful
37 or unlawful, of any individual:

38 (1) Prohibit law enforcement officials or agencies from gathering such
39 information.

40 (2) Direct law enforcement officials or agencies not to gather such information.

41 (3) Prohibit the communication of such information to federal law enforcement
42 agencies.

43 (c) Within 45 days of receipt of a report that a constituent institution is in violation of
44 either or both subsection (a) or (b) of this section, the President shall commence an investigation.
45 The President shall conclude the investigation and make a determination within 60 days of the
46 investigation's commencement. Upon determining a constituent institution is in violation of
47 either or both subsection (a) or (b) of this section, the President shall immediately notify the
48 Board of Governors.

49 (d) Upon receipt of a determination from the President under subsection (c) of this
50 section, the Board of Governors shall immediately revoke the constituent institution's status as a
51 special responsibility constituent institution under Part 2A of Article 1 of this Chapter. The

1 revocation shall apply to the current fiscal year. If, within 60 days of the President's
2 determination, the constituent institution fails to demonstrate to the President's satisfaction that
3 it is in compliance with subsections (a) and (b) of this section, the Board of Governors shall
4 extend the revocation of special responsibility constituent institution status for an additional
5 fiscal year."

6 7 **PART VI. DPS/ICE MOA**

8 **SECTION 6.** The Secretary of the Department of Public Safety shall enter into a
9 Memorandum of Agreement (MOA) with the Director of U.S. Immigration and Customs
10 Enforcement (ICE) pursuant to section 287(g) of the Illegal Immigration Reform and Immigrant
11 Responsibility Act of 1996, as amended, to permit designated State law enforcement officers to
12 perform immigration law enforcement functions. The designated State law enforcement officers
13 shall be required to receive appropriate training as provided by ICE and shall function under the
14 supervision of ICE officers when performing under the MOA.

15 16 **PART VII. ATTORNEY GENERAL NOTIFICATION TO LOCAL GOVERNMENTS**

17 **SECTION 7.** The Attorney General's office shall take reasonable steps to notify local
18 governments of the provisions of this act so that the local governments can take appropriate steps
19 to comply with this act's requirements.

20 21 **PART VIII. EFFECTIVE DATE**

22 **SECTION 8.** Sections 1, 2, and 3 of this act become effective July 1, 2019. The
23 remainder of this act is effective when it becomes law.