

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 135

Short Title: Government Immigration Compliance. (Public)

Sponsors: Representatives Cleveland, Presnell, Speciale, and Brody (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government, if favorable, Education - Universities, if favorable,
Judiciary, if favorable, Rules, Calendar, and Operations of the House

February 21, 2019

A BILL TO BE ENTITLED

AN ACT TO REPEAL LAW ENFORCEMENT AUTHORITY TO USE PROHIBITED FORMS OF IDENTIFICATION UNDER CERTAIN CIRCUMSTANCES, TO CREATE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION, TO CREATE A PRIVATE CAUSE OF ACTION TO REMEDY LOCAL GOVERNMENT NONCOMPLIANCE WITH STATE IMMIGRATION LAWS, TO PROHIBIT UNC CONSTITUENT INSTITUTIONS FROM BECOMING SANCTUARY UNIVERSITIES, AND TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF HOMELAND SECURITY.

The General Assembly of North Carolina enacts:

PART I. RECODIFICATION OF STATUTE AND REPEAL OF STATUTORY EXCEPTION

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

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

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

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

- (1) A matricula consular or other similar document, other than a valid passport, issued by a consulate or embassy of another country.
- (2) An identity document issued or created by any person, organization, county, city, or other local authority, except where expressly authorized to be used for this purpose by the General Assembly.

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 Any local government policy or ordinance that contradicts this section is hereby repealed.

~~(c) Notwithstanding subsection (a) of this section, documents described in subdivision (2) of subsection (a) of this section may be used by a law enforcement officer to assist in~~



1 determining the identity or residency of a person when they are the only documents providing an
2 indication of identity or residency available to the law enforcement officer at the time."
3

4 **PART II. CREATION OF ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS**
5 **TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION AND CREATION**
6 **OF PRIVATE CAUSE OF ACTION**

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

9 "Article 3.

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

11 **"§ 64-49. Findings.**

12 The General Assembly finds the following:

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

27 **"§ 64-50. Definitions.**

28 The following definitions apply in this Article:

- 29 (1) Affected local government. – Any of the following:
30 a. A municipality found to be not in compliance with a State law related
31 to immigration.
32 b. A municipality in which a municipal law enforcement agency has been
33 found to be not in compliance with a State law related to immigration.
34 c. A county found to be not in compliance with a State law related to
35 immigration.
36 d. A county in which a county law enforcement agency has been found
37 to be not in compliance with a State law related to immigration.
38 (2) Law enforcement agency. – A municipal police department, a county police
39 department, or a sheriff's office.
40 (3) State law related to immigration. – G.S. 64-6(b), 153A-145.5, or 160A-205.2.

41 **"§ 64-51. Attorney General to prepare form.**

42 (a) Preparation of Form. – The Attorney General shall prescribe a form for a person to
43 allege that a city, county, or law enforcement agency is not in compliance with a State law related
44 to immigration. The form shall clearly state that completed forms shall be sent to the Attorney
45 General. The form shall be made available to the public on the Attorney General's Web site.

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

48 **"§ 64-52. Filing of statement alleging noncompliance with a State law related to**
49 **immigration.**

50 Any person with a good-faith belief that a city, county, or law enforcement agency is not in
51 compliance with a State law related to immigration may file a statement with the Attorney

1 General setting forth the basis for that belief. The statement may be on a form prescribed by the
2 Attorney General pursuant to G.S. 64-51 or may be made in any other form that gives the
3 Attorney General information sufficient to proceed with an investigation under G.S. 64-53.
4 Nothing in this section shall be construed to prohibit the filing of anonymous statements that are
5 not submitted on a prescribed form.

6 **"§ 64-53. Investigation.**

7 (a) Investigation. – Within 45 days of receipt of a statement filed in accordance with
8 G.S. 64-52, the Attorney General shall commence an investigation of whether the city, county,
9 or law enforcement agency is in fact not in compliance with a State law related to immigration.
10 The Attorney General shall make a determination and conclude an investigation commenced
11 pursuant to this subsection within 60 days of the investigation's commencement.

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

15 (c) Production of Documents. – A local government shall produce records or documents
16 related to alleged noncompliance with a State law related to immigration within 10 business days
17 of a request by the Attorney General to do so.

18 (d) Confidentiality. – Statements filed with the Attorney General pursuant to G.S. 64-52
19 and reports and other investigative documents and records of the Attorney General connected to
20 an investigation under this section shall be confidential and not matters of public record, except
21 when the local government under investigation requests in writing that these documents be made
22 public. Once an investigation under this section is complete, or once 60 days have elapsed since
23 the investigation was commenced, whichever is earlier, the statement and all other reports and
24 other investigative documents and records of the Attorney General connected to an investigation
25 under this section, not otherwise privileged or confidential under law, shall be public records.

26 **"§ 64-54. Consequences of noncompliance with a State law related to immigration.**

27 (a) Consequences of Noncompliance Generally. – If the Attorney General determines
28 that an affected local government is not in compliance with a State law related to immigration,
29 all of the following shall apply:

30 (1) The affected local government shall be ineligible to receive distributions
31 under G.S. 105-113.82, 105-164.44F, 105-164.44I, 105-164.44L,
32 105-187.19(b), and 136-41.1 for one 12-month period beginning as soon as
33 practicable after the date the Department of Transportation, the State
34 Controller, and the Secretary of Revenue are notified of noncompliance with
35 the State law related to immigration under subdivisions (3) and (4) of this
36 section.

37 (2) If, within 60 days of the Attorney General's determination, the affected local
38 government fails to demonstrate to the Attorney General's satisfaction that it
39 is in compliance with all State laws related to immigration, the period of
40 ineligibility shall be extended for an additional 12-month period.

41 (3) The Attorney General shall notify the following entities of the determination
42 that the affected local government is not in compliance with a State law related
43 to immigration and of the duration of the period of ineligibility to receive
44 funds determined pursuant to subdivision (1) of this subsection:

45 a. The affected local government.

46 b. The chairs of the Appropriations Committees of the Senate and House
47 of Representatives.

48 c. The chairs of the Joint Legislative Commission on Governmental
49 Operations.

50 d. The Office of State Budget and Management.

51 e. The Secretary of Revenue.

1 (4) The Office of State Budget and Management shall notify the Department of
2 Transportation and the State Controller of an affected local government's
3 ineligibility to receive the funds described in subdivision (1) of this
4 subsection. The Secretary of Revenue shall withhold any distributions
5 otherwise due to the affected local government under subdivision (1) of this
6 subsection.

7 (5) The Department of Transportation, the State Controller, and the Secretary of
8 Revenue shall ensure that the funds described in subdivision (1) of this
9 subsection are not distributed to an affected local government and that the
10 funds are instead distributed to other local governments that are eligible for
11 distributions pursuant to the relevant statute.

12 (b) Consequences of Noncompliance; E-Verify Statutes. – When the Attorney General
13 receives a notification from the Commissioner of Labor pursuant to G.S. 64-33.1(b), the Attorney
14 General, the Office of State Budget and Management, the State Controller, the Secretary of
15 Revenue, and the Department of Transportation shall take all of the actions described in
16 subsection (a) of this section except that those actions shall be taken with respect to only the
17 following entities, as applicable:

18 (1) A municipality found by the Commissioner of Labor to have violated
19 G.S. 143-133.3.

20 (2) A county found by the Commissioner of Labor to have violated
21 G.S. 143-133.3.

22 (c) Exceptions. – No enactment by the General Assembly shall be construed as an
23 exception to this section unless it specifically mentions this section.

24 **"§ 64-55. Attorney General to maintain copies of orders; reporting.**

25 (a) Database. – The Attorney General shall maintain a database of the local governments
26 and law enforcement agencies that are ineligible to receive the funds described in
27 G.S. 64-54(a)(1) and shall make the database accessible to the public through the Attorney
28 General's Web site.

29 (b) Reporting. – The Attorney General shall report quarterly to the Joint Legislative
30 Commission on Governmental Operations on all of the following:

31 (1) The number of statements received by the Attorney General pursuant to
32 G.S. 64-52.

33 (2) The number of investigations performed pursuant to G.S. 64-53.

34 (3) The number of times consequences for noncompliance with a State law related
35 to immigration were imposed pursuant to G.S. 64-54.

36 (4) The names of cities, counties, and law enforcement agencies found not to be
37 in compliance with a State law related to immigration.

38 **"§ 64-56. Appeal.**

39 (a) A determination made by the Attorney General under this Article may be appealed
40 only to the extent and in the manner required by the United States and North Carolina
41 Constitutions. The imposition of consequences for noncompliance with a State law related to
42 immigration pursuant to G.S. 64-54 shall not occur until an appeal made under this section is
43 complete. However, if an appeal under this section is unsuccessful, the length of the period during
44 which an affected local government shall be ineligible to receive the funds described in
45 G.S. 64-54(a)(1) shall be the same as it would have been had no appeal been made.

46 (b) The Attorney General must notify the entities listed in G.S. 64-54(a)(3) of the
47 unsuccessful appeal. Once notified, the Office of State Budget and Management shall notify the
48 Department of Transportation and the State Controller of the unsuccessful appeal. The period of
49 ineligibility under G.S. 64-54(a)(1) and (2) shall begin as soon as practicable after the date the
50 Department of Transportation, the State Controller, and the Secretary of Revenue are notified of
51 the unsuccessful appeal.

1 (c) A determination made by the Attorney General under this Article shall be final, unless
2 within 15 days after receipt of notice thereof by certified mail with return receipt, by signature
3 confirmation as provided by the U.S. Postal Service, by a designated delivery service authorized
4 pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, or via hand delivery, the affected local
5 government charged with the violation takes exception to the determination, in which event final
6 determination shall be made in an administrative proceeding pursuant to Article 3 of Chapter
7 150B of the General Statutes and in a judicial proceeding pursuant to Article 4 of Chapter 150B
8 of the General Statutes.

9 **"§ 64-57. Attorney General may designate appointed official to carry out duties.**

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

13 **"§ 64-58. Rules.**

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

15 **"§ 64-59. Private enforcement.**

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

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

29 **"§ 64-33.1 Consequences of violation of G.S. 143-133.3.**

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

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

46 (c) Violations by Local School Administrative Units. – For a violation of G.S. 143-133.3
47 by a local school administrative unit, the Commissioner shall immediately notify the
48 Superintendent of Public Instruction in accordance with G.S. 115C-52. Additionally, the
49 Commissioner shall notify the Superintendent if, within 60 days of the Commissioner's
50 determination that there has been a violation, the local school administrative unit fails to
51 demonstrate to the Commissioner's satisfaction that the local school administrative unit is in

1 compliance with G.S. 143-133.3. The Commissioner may hold additional hearings as needed to
2 implement this subsection."

3 **SECTION 2.(c)** The Attorney General's office shall take reasonable steps to notify
4 local governments of the provisions of this act so that the local governments can take appropriate
5 steps to comply with this act's requirements.

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

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

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

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

15 "...."

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

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

22 "...."

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

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

32 "...."

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

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

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

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

49 **SECTION 2.(j)** Article 5 of Chapter 115C of the General Statutes is amended by
50 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~~; 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)."

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. EFFECTIVE DATE**

17 **SECTION 7.** Sections 1, 2, and 3 of this act become effective July 1, 2019. The
18 remainder of this act is effective when it becomes law.