

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 135
Committee Substitute Favorable 5/2/19
Committee Substitute #2 Favorable 5/6/19

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30 local government policy or ordinance that contradicts this section is hereby repealed.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.~~



1 (d) If a person is unable to provide allowable documentation of identity and residency, a
2 law enforcement officer or agency may at their discretion, use whatever information or
3 documentation the individual may present as proof of identity or residency and may take a
4 photograph of the person. Any photograph authorized under this subsection and taken by a law
5 enforcement officer or agency:

6 (1) Shall only be taken from the neck up.

7 (2) Shall be retained by the law enforcement officer or agency until the final
8 disposition of the case.

9 (3) Shall not be used for any purpose other than to confirm the identity of the
10 person.

11 (4) Shall be destroyed by the law enforcement officer or agency upon the final
12 disposition of the matter.

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

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

19 "Article 3.

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

21 **"§ 64-49. Findings.**

22 The General Assembly finds the following:

23 (1) That the policy objectives it seeks to further by enacting State laws applicable
24 to cities, counties, and law enforcement agencies are frustrated when those
25 entities do not uniformly comply with State law.

26 (2) That Section 7(1) of Article V and other sections of the North Carolina
27 Constitution grant the General Assembly supreme power and complete
28 discretion over the appropriation of State funds.

29 (3) That the General Assembly's power over the appropriation of State funds can
30 be used to create additional incentives for cities, counties, and law
31 enforcement agencies to comply with duly enacted laws.

32 (4) That statutorily setting forth the manner in which the General Assembly elects
33 to exercise its discretion with respect to appropriations provides cities,
34 counties, and law enforcement agencies with a measure of predictability that
35 can be useful to those entities in planning and carrying out their functions and
36 duties.

37 **"§ 64-50. Definitions.**

38 The following definitions apply in this Article:

39 (1) Affected local government. – Any of the following:

40 a. A municipality found to be not in compliance with a State law related
41 to immigration.

42 b. A municipality in which a municipal law enforcement agency has been
43 found to be not in compliance with a State law related to immigration.

44 c. A county found to be not in compliance with a State law related to
45 immigration.

46 d. A county in which a county law enforcement agency has been found
47 to be not in compliance with a State law related to immigration.

48 (2) Law enforcement agency. – A municipal police department, a county police
49 department, or a sheriff's office.

50 (3) State law related to immigration. – G.S. 64-6(b), 153A-145.5, or 160A-205.2.

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

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

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

8 **"§ 64-52. Filing of statement alleging noncompliance with a State law related to**
9 **immigration.**

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

17 **"§ 64-53. Investigation.**

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

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

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

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

43 **"§ 64-54. Consequences of noncompliance with a State law related to immigration.**

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

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

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

1 immigration pursuant to G.S. 64-54 shall not occur until an appeal made under this section is
2 final. However, if an appeal under this section is unsuccessful, the length of the period during
3 which an affected local government shall be ineligible to receive the funds described in
4 G.S. 64-54(a)(1) shall be the same as it would have been had no appeal been made.

5 (b) A determination by the Attorney General under this Article that an affected local
6 government is not in compliance with a State law related to immigration shall be final, unless
7 within 15 days after receipt of notice of the determination as provided in G.S. 64-53, the affected
8 local government appeals the determination by filing a contested case under Article 3 of Chapter
9 150B of the General Statutes.

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

16 **"§ 64-57. Attorney General may designate appointed official to carry out duties.**

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

20 **"§ 64-58. Rules.**

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

22 **"§ 64-59. Private enforcement.**

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

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

34 **"§ 64-33.1 Consequences of violation of G.S. 143-133.3.**

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

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

1 (c) Violations by Local School Administrative Units. – For a willful violation of
2 G.S. 143-133.3 by a local school administrative unit as determined by the Commissioner, the
3 Commissioner shall immediately notify the Superintendent of Public Instruction in accordance
4 with G.S. 115C-52. Additionally, the Commissioner shall notify the Superintendent if, within 60
5 days of the Commissioner's determination that there has been a willful violation, the local school
6 administrative unit fails to demonstrate to the Commissioner's satisfaction that the local school
7 administrative unit is in compliance with G.S. 143-133.3. The Commissioner may hold
8 additional hearings as needed to implement this subsection."

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

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

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

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

18 "

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

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

25 "

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

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

35 "

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

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

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

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

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

3 **"§ 115C-52. Consequences of noncompliance by a local school administrative unit with**
4 **E-verify related to immigration.**

5 (a) Consequences of Noncompliance; E-Verify Statutes. – The Commissioner of Labor
6 shall include notice to the Superintendent of Public Instruction when notifying a local board of
7 education pursuant to G.S. 64-33.1(c) that a local board of education is not in compliance with
8 G.S. 143-133.3. No State funds shall be allocated to pay the local superintendent's salary for one
9 12-month period beginning as soon as practicable after the date the Superintendent of Public
10 Instruction is notified of noncompliance.

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

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

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

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

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

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

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

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

49
50 **PART IV. WAIVER OF LOCAL GOVERNMENT IMMUNITY**

1 SECTION 4.(a) G.S. 153A-145.5, as amended by Section 3(a) of this act, is
2 amended by adding a new subsection to read:

3 "**§ 153A-145.5. Adoption of sanctuary ordinance ~~prohibited-prohibited~~; waiver of**
4 **immunity.**

5 ...

6 (d) A county in violation of this section shall have waived its governmental immunity in
7 the specific action brought against it as provided in G.S. 153A-435.1."

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

10 "**§ 153A-435.1. Waiver of immunity; sanctuary status.**

11 (a) A county shall have waived its immunity from civil liability in tort if the county is in
12 violation of G.S. 153A-145.5 and an unauthorized alien commits a crime against a person or
13 property within the corporate limits of the county.

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

16 SECTION 4.(c) G.S. 160A-205.2, as amended by Section 3(b) of this act, is
17 amended by adding a new subsection to read:

18 "**§ 160A-205.2. Adoption of sanctuary ordinances ~~prohibited-prohibited~~; waiver of**
19 **immunity.**

20 ...

21 (d) A city in violation of this section shall have waived its governmental immunity in the
22 specific action brought against it as provided in G.S. 160A-485.1."

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

25 "**§ 160A-485.1. Waiver of immunity; sanctuary status.**

26 (a) A city shall have waived its immunity from civil liability in tort if the city is in
27 violation of G.S. 160A-205.2 and an unauthorized alien commits a crime against a person or
28 property within the corporate limits of the city.

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

31
32 **PART V. CREATION OF ADDITIONAL INCENTIVES FOR UNC CONSTITUENT**
33 **INSTITUTIONS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION**

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

36 "**§ 116-40.13. Adoption of sanctuary status ~~prohibited~~; investigation; penalties.**

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

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

43 (1) Prohibit law enforcement officials or agencies from gathering such
44 information.

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

46 (3) Prohibit the communication of such information to federal law enforcement
47 agencies.

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

1 either or both subsection (a) or (b) of this section, the President shall immediately notify the
2 Board of Governors.

3 (d) Upon receipt of a determination from the President under subsection (c) of this
4 section, the Board of Governors shall immediately revoke the constituent institution's status as a
5 special responsibility constituent institution under Part 2A of Article 1 of this Chapter. The
6 revocation shall apply to the current fiscal year. If, within 60 days of the President's
7 determination, the constituent institution fails to demonstrate to the President's satisfaction that
8 it is in compliance with subsections (a) and (b) of this section, the Board of Governors shall
9 extend the revocation of special responsibility constituent institution status for an additional
10 fiscal year."

11 12 **PART VI. DPS/ICE MOA**

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

20 21 **PART VII. ATTORNEY GENERAL NOTIFICATION TO LOCAL GOVERNMENTS**

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

25 26 **PART VIII. EFFECTIVE DATE**

27 **SECTION 8.** Sections 1, 2, 3, and 4 of this act become effective July 1, 2019. The
28 remainder of this act is effective when it becomes law.