



ALIANZA DE DERECHOS DE LOS INMIGRANTES

de Carolina del Norte

Legislative Agenda | North Carolina
Supporting Document No. 4-2025
Last Update: March 18th, 2025

Mario Alfaro, Policy Manager

ANTI-IMMIGRANT BILLS

HB86: "AN ACT TO PROHIBIT A PERSON WHO IS NOT A LEGAL RESIDENT OR CITIZEN OF THE UNITED STATES OR ITS TERRITORIES FROM OBTAINING AN EXPUNCTION OF CRIMINAL CONVICTIONS OR CHARGES FROM THE PERSON'S RECORD."

HB261: "AN ACT TO CREATE A SENTENCE ENHANCEMENT FOR A PERSON CONVICTED OF A FELONY OTHER THAN A CLASS A FELONY WHILE BEING UNLAWFULLY IN THE UNITED STATES AND TO CREATE A SENTENCE ENHANCEMENT FOR A PERSON CONVICTED OF A MISDEMEANOR OR FELONY COMMITTED WHILE CONSPIRING WITH ONE OR MORE PERSONS FOR THE PURPOSE OF BENEFITTING, PROMOTING, OR FURTHERING CRIMINAL ACTIVITY."

HB318: "AN ACT TO MODIFY ELIGIBILITY FOR RELEASE AND REQUIRE NOTIFICATION OF 3 RELEASE TO IMMIGRATION AND CUSTOMS ENFORCEMENT WHEN A 4 PRISONER IS SUBJECT TO AN IMMIGRATION DETAINER AND ADMINISTRATIVE 5 WARRANT."

I. CONTEXT 3

ADMINISTRATION 2025-2029: ANTI-INMIGRANTS POLICIES

II. **HOUSE BILL 86** 6

SPONSORS
LEGISLATIVE PROCESS AND VOTING
UNC SCHOOL OF GOVERNMENT SUMMARY
ADDITIONAL INFORMATION
COMMENTS AND MATERIALS
RELATED PRESS ARTICLES

III. **HOUSE BILL 261** 14

SPONSORS
LEGISLATIVE PROCESS AND VOTING
UNC SCHOOL OF GOVERNMENT SUMMARY
ADDITIONAL INFORMATION
COMMENTS AND MATERIALS
RELATED PRESS ARTICLES

IV. **HOUSE BILL 318** 24

SPONSORS
LEGISLATIVE PROCESS AND VOTING
UNC SCHOOL OF GOVERNMENT SUMMARY
ADDITIONAL INFORMATION
COMMENTS AND MATERIALS
RELATED PRESS ARTICLES

ADMINISTRATION 2025-2029 | ANTI-IMMIGRANTS POLICIES

During the last electoral campaign (2024 Elections), the immigrant population was the target of violent attacks and persecution by the Republican Party and its candidates at the federal and state level. All of this based on lies, intolerance, ignorance, racism and manipulation.

Hate speech and fear were used like never before to mobilize a sector of the electorate that feeds on the misinformation promoted by its political leaders and dissemination platforms (media and social networks).

From day one, the Trump-Vance administration has issued executive orders and proclamations to tighten immigration policies. An analysis by the [American Immigration Council](#) warns of the impact that the new provisions have on the immigrant community, particularly on undocumented people:



“The executive orders signed on the first day of President Trump’s second term **radically expand the legal authorities** used to enforce immigration law against immigrants already in the U.S., while calling for an equally **radical expansion** of the infrastructure that would be needed to accomplish the “[mass deportations](#)” the president has promised. Furthermore, they signal efforts to **immiserate unauthorized immigrants** living in the United States, depriving them of the ability to work legally and punishing them for being unable to “register” with the U.S. government—something they have no way of doing.”

+ RESOURCES (SPANISH)

WOLA: [Las órdenes ejecutivas de Trump y América Latina: Lo que hay que saber](#)

CALMATTERS: [Las órdenes ejecutivas de Trump sobre inmigración están generando miedo: Esto es lo que debes saber sobre ellas](#)

HIAS: [Los derechos de los refugiados y la Administración Trump: Segunda semana](#)

National Immigration Project: [SEMANA 1 DEL MANDATO DONALD TRUMP 2.0](#)

CGRS: [El retorno de Trump: Medidas ejecutivas que amenazan los derechos y la protección de las personas refugiadas y migrantes Memorando para organizaciones de la sociedad civil](#)

IMMIGRANTS ECONOMIC CONTRIBUTIONS IN NC

Demography

9.3%
of the population in North Carolina are immigrants.

1,003,500
immigrants live in the state.

34.1%
of immigrants that live in NC are undocumented (342,100)

Taxes

\$11.4 billion
of taxes paid by immigrants each year in NC. From that amount, **\$3.8 billion** are for state and local taxes.

\$1.9 billion
of taxes paid by undocumented immigrants each year in NC. Of that amount, **\$691.1 millions** are for state and local taxes.

\$4.5
billion immigrants contribute to Social Security.

\$1.2
billion immigrants contribute to Medicare.

Spending power

\$33.7 billion is the spending power of immigrants in NC.
\$7.2 billion is the spending power of undocumented immigrants in NC.

Housing

253,100 homeowners in NC are immigrants.
\$106.5 billion is the housing wealth held by immigrant households.

Workforce *

- 12%** of the workforce in NC are immigrants.
- 4.1%** of the workforce in NC are undocumented immigrants.
- By industry +**
 - 29%** of all construction workers are immigrants.
 - 23.5%** immigrants work in the agricultural sector.
 - 18.3%** work in the accommodation and food services industry.
 - 17.2%** work in manufacturing.

\$2.6 billion is the amount paid by immigrant-led households in rent.

Business

78,500 of immigrants are entrepreneurs in NC.
27,600 of those entrepreneurs are undocumented.

\$2.6 billion in profits are generated each year by businesses owned by immigrants.

Sources:

+The Impact of Immigration on North Carolina's Workforce (NCDOC, 2023)



*New Americans in North Carolina (American Immigration Council, 2023)



(919) 835-1525
www.elpueblo.org



IMMIGRANTS ARE A VITAL PART OF NORTH CAROLINA'S FUTURE

A strong future for our state includes immigrants

Immigrant workers and business owners grow North Carolina's economy

Nearly 1 million immigrants reside in North Carolina. Immigrants work in low-wage, middle-wage, and higher-wage jobs in sectors across our state's economy.

11% of North Carolinian workers are immigrants, including:



22% of Main Street business owners in North Carolina are immigrants, operating storefront shops that help keep downtown areas vibrant



32% of construction laborers



8% of registered nurses

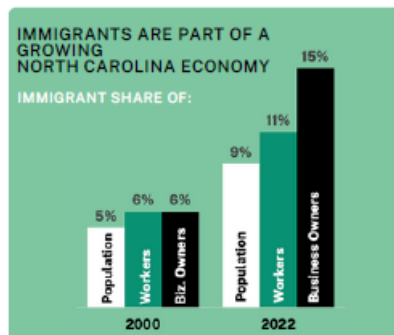


33% of software developers

It turns out that immigrant workers and business owners generate **\$86 billion of economic output** in North Carolina. Immigrant contribution to GDP is about the same as immigrant share of the labor force.

Immigration increases opportunity for North Carolinians

When immigrants move to North Carolina, the economy grows. That doesn't mean fewer jobs, it means more jobs: there are more consumers, more workers, and more business owners. Study after study shows there is no fixed number of jobs in a state. Immigration creates opportunities that benefit U.S.-born workers too.



As North Carolinians age, we'll need more workers

As our population ages, new immigrants help keep our economy growing at a sustainable rate. Immigrants help meet growing needs for health care, home care, and supportive services that are key for older North Carolinians to have a dignified retirement.

Some people try to scapegoat immigrants to keep us divided. We don't have to fall for it.

After decades of stagnating wages, today wage growth is starting to move in the right direction. We know how to create a good economy for workers. It requires uniting around policy choices like investments in infrastructure, manufacturing, and our care economy with strong labor standards. Regardless of race or country of birth, we all do better when we unite for policies that grow jobs and wages.



For details visit immresearch.org/publications/states

Source: <https://ncbudget.org/immigrants-are-a-vital-part-of-north-carolinas-future/>

HB86

II. HOUSE BILL 86

Citizens' Expungement Clarification of 2025

House Bill 86

Citizens' Expungement Clarification of 2025.
2025-2026 Session



Last Action:	Ref to the Com on Judiciary 2, if favorable, Federal Relations and American Indian Affairs, if favorable, Rules, Calendar, and Operations of the House on 2/11/2025
Sponsors:	Hastings; Biggs; Torbett; Loftis (Primary) Cairns; Clampitt; Davis; Eddins; McNeely; Penny; Pyrtle; Ward
Attributes:	Public
Counties:	No counties specifically cited
Statutes:	15A (Chapters); 15A-154 (Sections)

House bill [86](#), known as “Clarification on Expungement of Criminal Records for Citizens in 2025,” was introduced on February 2, 2025, in the North Carolina General Assembly (NCGA) [House of Representatives](#) with the signatures of twelve Republican representatives.

PRIMARY SPONSORS



[Kelly Hastings](#)
(District 110)



[Brian Biggs](#)
(District 70)



[John Torbett](#)
(District 108)



[Donnie Loftis](#)
(District 109)

Other sponsors (Republican Representatives)

[Cairns](#); [Clampitt](#); [Davis](#); [Eddins](#); [McNeely](#); [Penny](#); [Pyrtle](#); [Ward](#).

HOUSE BILL 86
LEGISLATIVE SESSION 2025-2026

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

1

HOUSE BILL 86

Short Title: Citizens' Expungement Clarification of 2025. (Public)

Sponsors: Representatives Hastings, Biggs, Torbett, and Loftis (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Federal Relations and American Indian Affairs, if favorable, Rules, Calendar, and Operations of the House

February 11, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT A PERSON WHO IS NOT A LEGAL RESIDENT OR CITIZEN OF
3 THE UNITED STATES OR ITS TERRITORIES FROM OBTAINING AN EXPUNCTION
4 OF CRIMINAL CONVICTIONS OR CHARGES FROM THE PERSON'S RECORD.
5 The General Assembly of North Carolina enacts:
6 SECTION 1. This act shall be known as "The Citizens' Expungement Clarification
7 of 2025."
8 SECTION 2. Article 5 of Chapter 15A of the General Statutes is amended by adding
9 a new section to read:
10 **"§ 15A-154. Prohibition on expunction for illegal aliens.**
11 (a) Prohibition. – A person who is not a legal resident or citizen of the United States or
12 its territories is ineligible to obtain an expunction under this Article.
13 (b) Verification. – In addition to all other applicable requirements set forth in this Article,
14 and no earlier than 30 days prior to the date the court may enter an order of expunction, the court
15 shall attempt to determine if a petitioner is a legal resident or citizen of the United States or its
16 territories by an inquiry of the petitioner or by an examination of any relevant documents. If the
17 court is unable to determine if the petitioner is a legal resident or citizen of the United States or
18 its territories, the court shall make a query of Immigration and Customs Enforcement of the
19 United States Department of Homeland Security.
20 (c) Applicability. – The prohibition set forth in subsection (a) of this section does not
21 apply to a person who lawfully entered the United States and has filed an immigrant petition, or
22 for whom an immigrant petition has been filed, with the United States Immigration and
23 Naturalization Service."
24 SECTION 3. This act becomes effective October 1, 2025, and applies to petitions
25 filed on or after that date.

Source: <https://www.ncleg.gov/Sessions/2025/Bills/House/PDF/H86v1.pdf>

LEGISLATIVE PROCESS AND VOTING

After receiving its first reading (2/11/2025), the bill was referred to the House [Judiciary Committee 2](#). If approved, it would be referred to the Committees on 1) [Federal Relations and Native American Affairs](#); 2) [Rules, Calendars, and Operations](#).

Judiciary 2 House of Representatives

JUDICIARY 2

House Standing Committee

Chair



Rep. Stevens

Vice Chair



Rep. Carson Smith

Federal Relations and American Indian Affairs House of Representatives

House Standing Committee

Chairs



Rep. Clampitt



Rep. Lowery



Rep. Ward

Vice Chair



Rep. Pless

Rules, Calendar, and Operations House of Representatives

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE

House Standing Committee

Chair



Rep. Bell

Vice Chairs



Rep. Cotham



Rep. B. Jones



Rep. Paré



Bill Summaries: H86 (2025-2026 Session)

o Bill H 86 (2025-2026)

Summary date: Feb 10 2025

Titles the act as "The Citizens' Expungement Clarification of 2025."

Enacts new GS 15A-154 making a person who is not a legal resident or citizen of the US or its territories ineligible to obtain an expunction of various criminal charges or convictions under Article 5 of GS Chapter 15A. Requires the court, no earlier than 30 days before the date the court may enter an expunction order, to attempt to determine if a petitioner is a legal resident or citizen by an inquiry of the petitioner or by examining relevant documents. Provides that if the court can't determine the petitioner's citizenship status, the court may make an inquiry of US Immigration and Customs Enforcement. Exempts a person who lawfully entered the US and has filed an immigrant petition, or for whom an immigrant petition has been filed, with the US Immigration and Naturalization Service. Effective October 1, 2025, and applies to petitions filed on or after that date.

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Immigration
GS 15A

Source: [Briefing](#) prepared by UNC for NCGA.

According to the University of Chapel Hill (UNC) School of Government, HB86 proposes creating a new general statute, GS 15A-154, to prohibit any person who is not a legal resident or citizen of the United States or its territories from being eligible for an "expungement of records" of criminal charges or convictions, as established in Article 5 of Chapter 15A of the state General Statutes.

- Courts must "determine whether a petitioner is a legal resident or citizen by conducting an investigation" of the person requesting the benefit or by examining relevant documents. This action must be completed within 30 days before the court can issue the "expungement order."
- The bill provides that if the court cannot determine the petitioner's citizenship status, it may consult with U.S. Immigration and Customs Enforcement (ICE).
- It exempts people who entered the United States legally and have filed an "immigrant petition" with the U.S. Immigration and Naturalization Service.

This means that undocumented people living in North Carolina would not be able to receive the legal benefit of having their criminal record expunged.

What is expungement?

[The North Carolina Judicial Branch](#) defines expungement as a “legal process to remove a criminal conviction or charge from a person’s record and to seal or destroy state records of the arrest, charge, and/or conviction.”

“A person granted an expungement generally cannot be found guilty of perjury if they deny that the arrest, charge, or conviction occurred. However, an expungement may not provide relief from all consequences of the charge or conviction; for example, an expungement may not prevent the expunged case from being used for **federal immigration decisions.**”

Source: [North Carolina Judiciary Branch](#)



NORTH CAROLINA
JUDICIAL BRANCH

Who is eligible for an expunction?

There are numerous expunction statutes in North Carolina. Some allow the expunction of only specific types of offenses, like drug possession. Other statutes allow expunction of a broader range of offenses but for a smaller group of people, like persons who were under 18 or 21 at the time of the offense. Still others depend on how the charge ended; for example, there are statutes that address expunction of convictions and statutes that address expunction of charges that were dismissed or for which the defendant was found not guilty.

+ **Information** (frequently asked questions) [here](#).



HB 86: CITIZENS' EXPUNGEMENT CLARIFICATION

This bill would prevent "a person who is not a legal resident or citizen of the U.S." from having their criminal convictions or charges expunged from their record. In practical terms it would mean that courts would have to do an evaluation of every expunction case to determine the citizenship of the petitioner.

Source: <https://www.acluofnorthcarolina.org/en/legislation/hb-86-citizens-expungement-clarification>

El Pueblo: [Proyecto de ley para impedir que inmigrantes indocumentados borren sus antecedentes penales en Carolina del Norte](#)

HB261

III. HOUSE BILL 261

Sent. Enhancement/Immigration-Related Crimes

House Bill 261

[Sent. Enhancement/Immigration-Related Crimes.](#)
2025-2026 Session



Last Action:	Ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House on 3/4/2025
Sponsors:	N. Jackson; Balkcom; Biggs; Ward (Primary) Almond; Cairns; Eddins; Johnson; McNeely; Pike; Scott
Attributes:	Public
Counties:	No counties specifically cited
Statutes:	15A (Chapters); 15A-1340.16H, 15A-1340.16I, 15A-1340.24 (Sections)

HB261, titled "Sentencing Enhancement/Immigration-Related Crimes," was introduced on March 3, 2025, in the North Carolina General Assembly ([NCGA](#)) [House of Representatives](#), with the signatures of eleven Republican representatives.

PRIMARY SPONSORS



[Neal Jackson](#)
(District 78)



[Jennifer Balkcom](#)
(District 117)



[Brian Biggs](#)
(District 70)



[Bill Ward](#)
(District 5)

Other sponsors (Republican Representatives)

[Almond](#); [Cairns](#); [Eddins](#); [Johnson](#); [McNeely](#); [Pike](#); [Scott](#)

HOUSE BILL 261
LEGISLATIVE SESSION 2025-2026

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

1

HOUSE BILL 261

Short Title: Sent. Enhancement/Immigration-Related Crimes. (Public)

Sponsors: Representatives N. Jackson, Balkcom, Biggs, and Ward (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 4, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SENTENCE ENHANCEMENT FOR A PERSON CONVICTED OF
3 A FELONY OTHER THAN A CLASS A FELONY WHILE BEING UNLAWFULLY IN
4 THE UNITED STATES AND TO CREATE A SENTENCE ENHANCEMENT FOR A
5 PERSON CONVICTED OF A MISDEMEANOR OR FELONY COMMITTED WHILE
6 CONSPIRING WITH ONE OR MORE PERSONS FOR THE PURPOSE OF
7 BENEFITTING, PROMOTING, OR FURTHERING CRIMINAL ACTIVITY.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Part 2 of Article 81B of Chapter 15A of the General Statutes is
10 amended by adding two new sections to read:

11 **"§ 15A-1340.16H. Enhanced sentence for felony committed by person unlawfully in the**
12 **United States.**

13 (a) Sentence Enhancement with No Prior Federal Conviction. – If a person is convicted
14 of a felony other than a Class A felony and it is found as provided in this section that the person
15 had been previously denied admission to, or excluded, deported, or removed from, the United
16 States, then the person is guilty of a felony that is one class higher than the underlying felony for
17 which the person was convicted.

18 (b) Sentence Enhancement with Prior Federal Conviction. – If a person is convicted of a
19 felony other than a Class A felony and it is found as provided in this section that the person had
20 been previously convicted of a crime relating to the reentry of removed aliens under 8 U.S.C. §
21 1326, then the person is guilty of a felony that is two classes higher than the underlying felony
22 for which the person was convicted.

23 (c) Indictment or Information. – An indictment or information for the felony shall allege
24 in that indictment or information or in a separate indictment or information the applicable facts
25 set out in subsection (a) or (b) of this section. The pleading for an offense subject to enhancement
26 under subsection (a) of this section is sufficient if it alleges that the defendant committed the
27 felony while having been previously denied admission to, or excluded, deported, or removed
28 from, the United States. The pleading for an offense subject to enhancement under subsection (b)
29 of this section is sufficient if it alleges that the defendant committed the felony while having a
30 prior conviction of a crime relating to the reentry of removed aliens under 8 U.S.C. § 1326. One
31 pleading is sufficient for all felonies that are tried at a single trial.

32 (d) Burden of Proof. – The State shall prove the issue set out in subsection (a) or (b) of
33 this section beyond a reasonable doubt during the same trial in which the defendant is tried for
34 the felony unless the defendant pleads guilty or no contest to that issue. If the defendant pleads

1 guilty or no contest to the felony but pleads not guilty to the issue set out in subsection (a) or (b)
2 of this section, then a jury shall be impaneled to determine that issue.

3 **"§ 15A-1340.16I. Enhanced sentence for felony committed for the purpose of benefitting,**
4 **promoting, or furthering criminal activity.**

5 (a) Definition. – For purposes of this section, the term "criminal activity" is as defined in
6 G.S. 14-118.8.

7 (b) Sentence Enhancement. – If a person is convicted of a felony other than a Class A
8 felony and it is found as provided in this section that the felony was committed by a person
9 conspiring with one or more persons for the purpose of benefitting, promoting, or furthering
10 criminal activity, then the person is guilty of a felony that is one class higher than the underlying
11 felony for which the person was convicted.

12 (c) Indictment or Information. – An indictment or information for the felony shall allege
13 in that indictment or information or in a separate indictment or information the facts set out in
14 subsection (b) of this section. The pleading is sufficient if it alleges that the defendant committed
15 the felony while conspiring with one or more persons for the purpose of benefitting, promoting,
16 or furthering the interests of criminal activity. One pleading is sufficient for all felonies that are
17 tried at a single trial.

18 (d) Burden of Proof. – The State shall prove the issue set out in subsection (b) of this
19 section beyond a reasonable doubt during the same trial in which the defendant is tried for the
20 felony unless the defendant pleads guilty or no contest to that issue. If the defendant pleads guilty
21 or no contest to the felony but pleads not guilty to the issue set out in subsection (b) of this
22 section, then a jury shall be impaneled to determine that issue."

23 **SECTION 2.** Part 3 of Article 81B of Chapter 15A of the General Statutes is
24 amended by adding a new section to read:

25 **"§ 15A-1340.24. Enhanced sentence for misdemeanor committed for the purpose of**
26 **benefitting, promoting, or furthering criminal activity.**

27 (a) Definition. – For purposes of this section, the term "criminal activity" is as defined in
28 G.S. 14-118.8.

29 (b) Sentence Enhancement. – If a person is convicted of a misdemeanor other than a Class
30 A1 misdemeanor and it is found as provided in this section that the misdemeanor was committed
31 by a person conspiring with one or more persons for the purpose of benefitting, promoting, or
32 furthering criminal activity, then the person is guilty of a misdemeanor that is one class higher
33 than the underlying misdemeanor for which the person was convicted. If a person is convicted of
34 a Class A1 misdemeanor and it is found as provided in this section that the misdemeanor was
35 committed by a person conspiring with one or more persons for the purpose of benefitting,
36 promoting, or furthering criminal activity, then the person is guilty of a Class I felony.

37 (c) Pleading. – The pleading charging the person for the misdemeanor shall allege in that
38 pleading or in a separate pleading the facts set out in subsection (b) of this section. The pleading
39 is sufficient if it alleges that the defendant committed the misdemeanor while conspiring with
40 one or more persons for the purpose of benefitting, promoting, or furthering the interests of
41 criminal activity. One pleading is sufficient for all felonies that are tried at a single trial.

42 (d) Burden of Proof. – The State shall prove the issue set out in subsection (b) of this
43 section beyond a reasonable doubt during the same trial in which the defendant is tried for the
44 misdemeanor unless the defendant pleads guilty or no contest to that issue. If the defendant pleads
45 guilty or no contest to the misdemeanor but pleads not guilty to the issue set out in subsection (b)
46 of this section, then a jury shall be impaneled to determine that issue."

47 **SECTION 3.** This act becomes effective December 1, 2025, and applies to offenses
48 committed on or after that date.

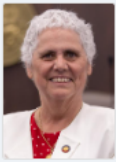
After receiving its first reading (March 4, 2025), the bill was referred to the House [Judiciary 2](#) Committee. If approved, it would be refer to the [Rules, Calendars, and Operations](#) Committee.

**Judiciary 2
House of Representatives**

JUDICIARY 2

House Standing Committee

Chair



Rep. Stevens

Vice Chair



Rep. Carson Smith

**Rules, Calendar, and Operations
House of Representatives**

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE

House Standing Committee

Chair



Rep. Bell

Vice Chairs



Rep. Cotham



Rep. B. Jones



Rep. Paré

**Bill Summaries: H261 (2025-2026 Session)**

o Bill H 261 (2025-2026)

Summary date: *Mar 3 2025*

Enacts new GS 15A-1340.16H, enhancing the criminal penalty to a felony that is one class higher than the underlying felony for which the person was convicted when a person is convicted of a felony other than a Class A felony and it is found that the person had been previously denied admission to, or excluded, deported, or removed from, the United States. Enhances the criminal penalty to a felony that is two classes higher than the underlying felony for which the person was convicted if a person is convicted of a felony other than a Class A felony and it is found that the person had been previously convicted of a crime relating to the reentry of removed aliens under 8 U.S.C. § 1326. Requires that an indictment or information for the felony allege the applicable facts set out above. Specifies that is to be included in the pleading for an offense subject to these enhancements. Requires the State to prove the issue set above beyond a reasonable doubt during the same trial in which the defendant is tried for the felony unless the defendant pleads guilty or no contest to that issue; if the defendant pleads guilty or no contest to the felony but pleads not guilty to the issue set out above, then requires a jury to be impaneled to determine that issue.

Enacts new GS 15A-1340.16I, enhancing the criminal penalty to a felony that is one class higher than the underlying felony for which the person was convicted when a person is convicted of a felony other than a Class A felony and it is found that the felony was committed by a person conspiring with one or more persons for the purpose of benefitting, promoting, or furthering criminal activity. Requires the indictment or information for the felony to allege those facts. Makes the pleading sufficient if it alleges that the defendant committed the felony while conspiring with one or more persons for the purpose of benefitting, promoting, or furthering the interests of criminal activity. Requires the State to prove the issue beyond a reasonable doubt during the same trial in which the defendant is tried for the felony unless the defendant pleads guilty or no contest to that issue; if the defendant pleads guilty or no contest to the felony but pleads not guilty to the issue set out above, then requires a jury to be impaneled to determine that issue.

Enacts new GS 15A-1340.24, enhancing the criminal penalty to a misdemeanor one class higher than the underlying misdemeanor for which the person was convicted when a person is convicted of a misdemeanor other than a Class A1 misdemeanor and it is found that the misdemeanor was committed by a person conspiring with one or more persons for the purpose of benefitting, promoting, or furthering criminal activity. Enhances the punishment to a Class 1 felony if a person is convicted of a Class A1 misdemeanor and it is found that the misdemeanor was committed by a person conspiring with one or more persons for the purpose of benefitting, promoting, or furthering criminal activity. Requires the pleading charging the person for the misdemeanor to allege the facts set out above. Makes the pleading sufficient if it alleges that the defendant committed the misdemeanor while conspiring with one or more persons for the purpose of benefitting, promoting, or furthering the interests of criminal activity. Requires the State to prove the issue beyond a reasonable doubt during the same trial in which the defendant is tried for the misdemeanor unless the defendant pleads guilty or no contest to that issue; if the defendant pleads guilty or no contest to the misdemeanor but pleads not guilty to the issue set out above, then requires a jury to be impaneled to determine that issue.

Applies to offenses committed on or after December 1, 2025.

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Immigration
GS 15A

Source: [Briefing](#) prepared by UNC for NCGA.

Report published by [Enlace Latino NC](#):



Increased sentences for undocumented people

If a person is convicted of a felony and is found to have been in the country undocumented, having been turned away, deported or removed, the prison sentence will be increased by one class.

The proposal applies to all non-Class A felonies, which already carry severe penalties, such as life imprisonment or [death penalty](#).

If it is determined that the person has a criminal record related to his or her immigration status, the court will increase his or her sentence by two classes. For example, in cases of illegal reentry into the country.

Felony Charge

The indictment must include facts justifying the enhancement of the sentence under subsections (a) or (b) of the section.

Subsection (a): If a person commits a crime after having been deported or removed from the United States.

Subsection (b): The person was previously convicted of illegal reentry.

If multiple felonies are being tried in the same trial, a single indictment that includes the applicable facts is sufficient.

Burden of proof

The State shall prove the issue set forth in subsection (b) of this section beyond a reasonable doubt during the same trial at which the defendant is tried for the lesser offense, unless the defendant pleads guilty or no contest to that issue.

If the defendant pleads guilty or no contest to the misdemeanor but pleads not guilty to the matter set forth in subsection (b) of this section, then a jury shall be empaneled to determine that matter.

Source: [Enlace Latino NC](#).



HB 261: SENTENCE ENHANCEMENT FOR IMMIGRATION-RELATED CRIMES

This bill would enhance the sentence for felonies committed by person unlawfully in the United States.

Source: <https://www.acluofnorthcarolina.org/en/legislation/hb-261-sentence-enhancement-immigration-related-crimes>

ACLU North Carolina

Bill Number: HB261	Bill Name: Sentence Enhancement/Immigration-Related Crimes
ACLU of NC Position: Oppose	Issue Area: Immigration

Bill Summary

House Bill 261 will increase criminal penalties for people who have entered the U.S. without prior authorization simply because they are in the United States without legal permission or documentation. This bill also creates a new sentencing enhancement for all North Carolinians if the person is found to have committed the crime to benefit or promote other criminal activity.

Specifically, HB261 makes some significant changes to criminal sentencing for undocumented people:

- Undocumented people who have **not** been previously removed from the United States and who are convicted of a felony will be guilty of a felony one class higher than the underlying felony for which they were convicted, and two classes higher if they have been previously removed.
 - For example, if an undocumented person is convicted of stealing merchandise from a store by tampering with an anti-theft device, their conviction would increase from a Class H felony to a Class G felony, raising their maximum punishment from 39 months to 47 months if they have not been previously removed and to a Class F felony with a maximum of 60 months if they have been.

Talking Points

- HB 261 raises significant constitutional concerns. The U.S. Constitution guarantees that all individuals, regardless of immigration status, receive equal protection under the law. Penalizing individuals differently for the same offense based on their immigration status sets a dangerous precedent.
- Immigration law is governed by federal statutes, yet North Carolina is attempting to create its own criminal penalties for being in the country unlawfully. Courts may find this law preempted by federal immigration law, making it vulnerable to legal challenges.
- Immigrants are less likely to engage in criminal activity as compared to U.S. citizens¹ and bring tremendous benefit to our state. Most immigrants who enter the U.S. are fleeing violence, persecution, and/or economic hardship and come here to find safety and opportunity.
- We all want to live in safe communities, but scapegoating immigrants is not the answer.
- Sentence enhancements to punish people based on immigration status are clear attacks on the immigrant community. North Carolina law already outlines punishments for crimes and those penalties should not be increased based on factors unrelated to the crime, such as the immigration status of the defendant.
 - Punishment should reflect the nature of the crime, not on the immigration status of the accused.
- This discriminatory bill will lead to disproportionate and lengthy prison terms, contribute to mass incarceration, and fail to demonstrably improve public safety or reduce recidivism.

¹ Kara Frederick, *The Mythical Tie Between Immigration and Crime*, Stanford Institute for Economic Policy Research (Sept. 23, 2021), <https://siepr.stanford.edu/news/mythical-tie-between-immigration-and-crime>.

RELATED PRESS ARTICLES

Enlace Latino NC: [Proponen aumentar sentencias para delitos cometidos por indocumentados en Carolina del Norte](#)

WCNC Charlotte: [North Carolina bill targeted at immigrations sparks fear for Latino community leaders](#)

WCNC Charlotte: [Concerns arise over proposed NC bill to increase undocumented immigrant penalties](#)

WFAE 90.7 Charlotte: [NC House Republicans file bill to increase crime sentences for undocumented immigrants](#)

HB318

IV. HOUSE BILL 318

The Criminal Illegal Alien Enforcement Act

House Bill 318

The Criminal Illegal Alien Enforcement Act
2025-2026 Session



Last Action:	Filed on 3/5/2025
Sponsors:	D. Hall; Carson Smith; B. Jones; Echevarria (Primary) Balkcom; Bell; Campbell; K. Hall; Huneycutt; Iler; N. Jackson; Loftis; Moss; Potts; Reeder; Scott; Setzer; Ward; Warren
Attributes:	Public
Counties:	No counties specifically cited
Statutes:	162 (Chapters)

HB318, titled the "Illegal Alien Penalty Enforcement Act," was introduced on March 5, 2025, in the North Carolina General Assembly ([NCGA](#)) [House of Representatives](#), signed by nineteen Republican representatives, led by [Destin Hall](#) (District 87), Speaker of the House and primary sponsor of HB10.

PRIMARY SPONSORS



[Destin Hall](#)
(District 87)



[Carson Smith](#)
(District 16)



[Brenden Jones](#)
(District 46)



[Brian Echevarria](#)
(District 82)

Other sponsors (Republican Representatives)

[Balkcom](#); [Bell](#); [Campbell](#); [K. Hall](#); [Huneycutt](#); [Iler](#); [N. Jackson](#); [Loftis](#); [Moss](#); [Potts](#); [Reeder](#); [Scott](#); [Setzer](#); [Ward](#); [Warren](#).

HOUSE BILL 318
LEGISLATIVE SESSION 2025-2026

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 318
Mar 5, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10143-SA-5

Short Title: The Criminal Illegal Alien Enforcement Act. (Public)

Sponsors: Representative D. Hall.

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY ELIGIBILITY FOR RELEASE AND REQUIRE NOTIFICATION OF
3 RELEASE TO IMMIGRATION AND CUSTOMS ENFORCEMENT WHEN A
4 PRISONER IS SUBJECT TO AN IMMIGRATION DETAINER AND ADMINISTRATIVE
5 WARRANT.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.(a)** G.S. 162-62 reads as rewritten:
8 **"§ 162-62. Legal status of prisoners.**
9 (a) When any person is confined for any period in a county jail, local confinement
10 facility, district confinement facility, satellite jail, or work release unit, the administrator or other
11 person in charge of the facility shall attempt to determine if the prisoner is a legal resident of the
12 United States by an inquiry of the prisoner, or by examination of any relevant documents, or
13 both, if the person is charged with any of the following offenses:
14 (1) A felony under G.S. 90-95.
15 (2) A felony under ~~Article 6, Article 7B, Article 10, Article 10A, or Article 13A~~
16 any of the following Articles of Chapter 14 of the General Statutes:
17 a. Article 6.
18 b. Article 7B.
19 c. Article 10.
20 d. Article 10A.
21 e. Article 13A.
22 f. Article 14.
23 g. Article 16.
24 h. Article 16A.
25 i. Article 17.
26 j. Article 18.
27 k. Article 19.
28 l. Article 19A.
29 m. Article 19B.
30 n. Article 19C.
31 o. Article 20.
32 p. Article 20A.
33 q. Article 21.
34 (3) A Class A1 misdemeanor or felony under Article 8 of Chapter 14 of the
35 General Statutes.
36 (4) Any violation of G.S. 50B-4.1.

1 (5) Any offense involving impaired driving as defined in G.S. 20-4.01.

2 (b) If the administrator or other person in charge of the facility is unable to determine if
3 that prisoner is a legal resident or citizen of the United States or its territories, the administrator
4 or other person in charge of the facility holding the prisoner shall make a query of Immigration
5 and Customs Enforcement of the United States Department of Homeland Security. If the prisoner
6 has not been lawfully admitted to the United States, the United States Department of Homeland
7 Security will have been notified of the prisoner's status and confinement at the facility by its
8 receipt of the query from the facility.

9 (b1) When any person charged with a criminal offense is confined for any period in a
10 county jail, local confinement facility, district confinement facility, satellite jail, or work release
11 unit, and the administrator or other person in charge of the facility has been notified that
12 Immigration and Customs Enforcement of the United States Department of Homeland Security
13 has issued a detainer and administrative warrant that reasonably appears to be for the person in
14 custody, the following shall apply:

15 (1) Prior to the prisoner's release, and after receipt of the detainer and
16 administrative warrant, or a copy thereof, by the administrator or other person
17 in charge of the facility, the prisoner shall be taken without unnecessary delay
18 before a State judicial official who shall be provided with the detainer and
19 administrative warrant, or a copy thereof.

20 (2) The judicial official shall issue an order directing the prisoner be held in
21 custody if the prisoner appearing before the judicial official is the same person
22 subject to the detainer and administrative warrant.

23 (3) Unless continued custody of the prisoner is required by other legal process, a
24 prisoner held pursuant to an order issued under this subsection shall be
25 released upon the first of the following conditions:

26 a. The passage of 48 hours from ~~receipt of the detainer and administrative~~
27 ~~warrant~~ the time the prisoner would otherwise be released from the
28 facility.

29 b. Immigration and Customs Enforcement of the United States
30 Department of Homeland Security takes custody of the prisoner.

31 c. The detainer is rescinded by Immigration and Customs Enforcement
32 of the United States Department of Homeland Security.

33 (4) For any prisoner held pursuant to an order issued under this subsection, within
34 two hours of the time when the prisoner would otherwise be released from the
35 facility, the administrator or other person in charge of the facility shall notify
36 Immigration and Customs Enforcement of the United States Department of
37 Homeland Security of the date and time that the prisoner will be released
38 pursuant to sub-subdivision a. of subdivision (3) of this subsection. The
39 notification shall be made in the manner indicated on the Department of
40 Homeland Security Immigration Detainer – Notice of Action form.

41 (b2) No State or local law enforcement officer or agency shall have criminal or civil
42 liability for action taken pursuant to an order issued under subsection (b1) of this section.

43 (c) Except as provided in subsection (b1) of this section, nothing in this section shall be
44 construed to deny bond to a prisoner or to prevent a prisoner from being released from
45 confinement when that prisoner is otherwise eligible for release.

46 "

47 **SECTION 1.(b)** This section becomes effective December 1, 2025, and applies to
48 offenses committed on or after that date.

49 **SECTION 2.(a)** If any provision of this act or its application is held invalid, the
50 invalidity does not affect other provisions or applications of this act that can be given effect
1 without the invalid provisions or application and, to this end, the provisions of this act are
2 severable.

3 **SECTION 2.(b)** Except as otherwise provided, this act is effective when it becomes
4 law.

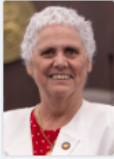
After receiving its first reading (March 10, 2025), the bill was referred to the House [Judiciary 2](#) Committee. If approved, it would be refer to the [Rules, Calendars, and Operations](#) Committee.

**Judiciary 2
House of Representatives**

JUDICIARY 2

House Standing Committee

Chair



Rep. Stevens

Vice Chair



Rep. Carson Smith

**Rules, Calendar, and Operations
House of Representatives**

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE

House Standing Committee

Chair



Rep. Bell

Vice Chairs



Rep. Cotham



Rep. B. Jones



Rep. Paré

Bill Summaries: H318 (2025-2026 Session)

o Bill H 318 (2025-2026)
Summary date: Mar 5 2025

Amends GS 162-62 by expanding upon the offenses for which the person in charge of a county jail, local confinement facility, district confinement facility, satellite jail, or work release unit must attempt to determine if the prisoner is a legal resident of the United States to also include when a person is charged with: (1) a felony under the following Articles of GS Chapter 14: Article 14 (burglary and housebreakings), Article 16 (larceny), Article 16A (organized retail theft), Article 17 (robbery), Article 18 (embezzlement), Article 19 (false pretenses and cheats), Article 19A (obtaining property by false or fraudulent use of credit device or other means), Article 19B (financial transaction card crime act), Article 19C (identity theft), Article 20 (frauds), Article 20A (Residential Mortgage Fraud Act), and Article 21 (forgery); and (2) any offense involving impaired driving. Amends the conditions that must be met when a person charged with a criminal offense is confined in such a facility and the person in charge of the facility has been notified that Immigration and Customs Enforcement (ICE) has issued a detainer and administrative warrant for the person as follows: (1) amends the timing of the release to be the earlier of the passage of 48 hours from the time the prisoner would otherwise be released from the facility (was, 48 hours from receipt of the detainer and administrative warrant), when ICE takes custody, or when the detainer is rescinded by ICE and (2) adds that for a prisoner who is held under such an order, within two hours of the time when the prisoner would otherwise be released from the facility, the person in charge of the facility must notify ICE of the date and time that the prisoner will be released. Applies to offenses committed on or after December 1, 2025.

Includes a severability clause.

Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Immigration
GS 162

Fuente: [Briefing](#) prepared by UNC School of Government.

According to the bill summary prepared by the UNC School of Government, [SB318](#) amends [GS 162-62](#) (§ 162-62. Legal Status of Prisoners), expanding the list of offenses for which the person in charge of a jail must attempt to determine whether a prisoner is a **legal resident of the United States** when the person is accused of:

- Any of the serious offenses listed in General Statute [G.S. 90-95](#), which refers to the production, distribution, sale, and consumption of prohibited substances (psychotropic and psychoactive substances).
- A felony offense, pursuant to the following sections of [Chapter 14](#) (Criminal Law) of the General Statutes:

[Section 14](#) (burglary and burglary),

[Section 16](#) (larceny),

[Section 16A](#) (organized retail theft),

[Section 17](#) (robbery),

[Section 18](#) (embezzlement),

[Section 19](#) (false pretenses and swindles),

[Section 19A](#) (obtaining property by false or fraudulent use of a credit device or other means),

[Section 19B](#) (financial transaction card crime law),

[Section 19C](#) (identity theft),

[Section 20](#) (fraud),

[Section 20A](#) (Residential Mortgage Fraud Act), and

[Section 21](#) (forgery).

- A Class A1 misdemeanor or felony under [Section 8](#) (Assaults) of [Chapter 14](#) of the General Statutes.
- Any violation of Section [50B-4.1](#) (Violation of a Valid Protective Order) of the General Statutes.
- Any offense involving driving under the influence of alcohol, as defined in Section [20-4.01](#) of the General Statutes.

Modifies the conditions that must be met when a person charged with a criminal offense is confined in such a facility and the person in charge of the facility has been notified that Immigration and Customs Enforcement (ICE) has issued a detainer and an administrative order for the person as follows:

(1) modifies the time of release to be the earlier of: 48 hours from the time the prisoner would otherwise be released from the facility (rather than 48 hours from receipt of the detainer and administrative order), when ICE takes custody, or when ICE rescinds the detainer; and

(2) adds that for a prisoner who is detained under such an order, within two hours of the time the prisoner would otherwise be released from the facility, the person in charge of the facility must notify ICE of the date and time the prisoner will be released.

ADDITIONAL INFORMATION

Statement from Republican Representative [Destin Hall](#), Speaker of the North Carolina House of Representatives and primary sponsor of the anti-immigrant bill [HB318](#) on X social network.



If you're an illegal alien committing crimes in NC — you gotta go.



6:07 PM · Mar 5, 2025 · 27.5K Views

Source (Video): <https://x.com/ncspeakerhall/status/1897423787412349055>

ACLU North Carolina

House Bill 318 Summary

HB318 expands upon the provisions in HB10, passed in 2024, that forces sheriffs to cooperate with Immigration and Customs Enforcement. Under HB10, all sheriffs in the state are required to verify the citizenship status of people charged with certain felonies or serious misdemeanors. If the sheriff is unable to verify the citizenship status of the individual, they must notify ICE. If ICE issues a detainer for that individual, the sheriff must hold the individual in their jail for up to 48 hours to allow time for ICE agents to come and take them into custody.

With HB318, lawmakers are seeking to expand the already harmful requirements HB10 by:

- Roughly doubling the list of charged offenses that would require law enforcement to attempt to determine the citizenship status of the person who allegedly committed the crime.
 - This will result in more people being swept up in immigration enforcement activities.
- Changing the start time for the required 48-hour ICE detainer hold. Under HB318, the 48-hour clock would begin at the time the individual would otherwise be released from the facility instead of starting as soon as the ICE detainer or administrative warrant was received.
 - This will increase the time that people are held in custody and will cost county jails.
- Requiring that prior to releasing someone who was held under an ICE detainer, the administrator of the facility must contact ICE within 2 hours of the planned release time via the method of communication specified in the Department of Homeland Security Immigration Detainer Notice of Action form.
 - This might increase the likelihood that immigration agents respond in a timely manner to take people into their custody.

Source:

https://drive.google.com/file/d/1KPyUI4oRWUah8LlbZcT_GiA_jY3tBwG5/view

RELATED PRESS ARTICLES

Enlace Latino NC: [Legislación amplía los delitos que requieren cooperación con ICE en Carolina del Norte](#)

Enlace Latino NC: [Alguacil de Mecklenburg responde al nuevo proyecto sobre colaboración con ICE](#)

WCNC Charlotte: [Proposed NC bill requires longer holds for immigrants with ICE detainers](#)

El Pueblo: [Proposal to prolong detention of immigrants wanted by ICE and force sheriffs to notify before releasing them](#)

Noticias 40, Univisión:

<https://www.facebook.com/Univision40NC/videos/1143378267539384>